



## *Kern County Sheriff's Office* **Policies and Procedures**

TITLE: <b>USE OF A CONDUCTED ELECTRICAL WEAPON (CEW)</b>		NO: F-800	
APPROVED: <b>Donny Youngblood, Sheriff-Coroner</b>			
EFFECTIVE: <b>April 11, 2007</b>	REVIEWED: <b>12/15/2020</b>	REVISED: <b>12/15/2020</b>	UPDATED: <b>12/15/2020</b>

### **APPLICABILITY**

When used in this policy, the terms “officer”, “peace officer”, “deputies”, or “operators” shall include both Sheriff’s Deputies and Detentions Deputies.

### **POLICY**

It is the policy of the Kern County Sheriff’s Office to perform our duties in such a manner that attempts to minimize injury to the public, to suspects, and to our personnel. In keeping with that policy, peace officers of this Office are permitted to use a TASER brand conducted electrical weapon (CEW) to control a person when the deputy is acting within the guidelines of P.C. 835a, DPPM F-100, and this policy, and the use of the CEW appears reasonably necessary to effect an arrest, prevent escape, or overcome resistance.

When used in accordance with policy and law, the CEW is considered a less lethal control device that is intended to temporarily incapacitate a violent or potentially violent individual while minimizing the potential for causing death or serious injury. It is anticipated that the appropriate use of this device will result in fewer injuries to deputies and suspects.

A CEW is a device designed to affect a subject’s motor nervous system and sensory nervous system by means of deploying battery-powered electrical energy sufficient to cause direct physical incapacitation. Only a TASER brand CEW, which is owned and maintained by the Kern County Sheriff’s Office, is authorized for use. While carried on duty, the TASER brand CEW shall be carried with a TASER brand XP25 air cartridge attached and ready to discharge.

### **DEFINITIONS**

**Air Cartridge**: A replaceable cartridge for the TASER which uses compressed nitrogen to fire two barbed metal probes on thin connecting wires, sending a high voltage/low amperes signal into a subject.

**Extended Digital Power Magazine (XDPM)**: Two lithium 123 batteries that power the TASER.

**AFID Tags**: Confetti-like tags expelled from a cartridge of a TASER when fired. Each tag contains a serial number unique to the specific cartridge used.

**Spark Test**: Non-contact testing of a TASER by arcing it for a brief (about one second) time to ensure it is in proper working order.

**Drive Stun Mode**: Drive stun is accomplished by firmly pressing the front of the TASER against a target area with enough force to maintain solid contact, either without an attached air cartridge or with a fired cartridge still attached.

**Activation:** Turning the safety switch/lever on the TASER to the armed position.

**Application:** Sending an electric discharge to an individual either with probes from an air cartridge or drive stun.

## **PROCEDURE A: VERBAL AND VISUAL WARNINGS**

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the CEW shall precede the application of a CEW device in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide the deputies and individuals with a warning that a CEW device may be activated.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a deputy's lawful orders and it appears both reasonable and practical under the circumstances, a deputy may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the CEW) or laser in a further attempt to gain compliance prior to the application of the CEW device.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

## **PROCEDURE B: USE OF THE CEW**

As with any law enforcement equipment, 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 CEW. Although the CEW device is generally effective in subduing most individuals, deputies should be aware of the potential for failure and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use a CEW device when the circumstances known to the individual deputy at the time indicate that the application of the CEW is reasonably necessary to subdue or control:

- A violent or physically resisting subject who poses an immediate threat to the safety of the officer or others; or
- A potentially violent or physically resisting subject who is reasonably likely to pose an immediate threat to the safety of the officer or others, if:
  - The subject has verbally or physically demonstrated an intention to resist.
  - The deputy has given the subject a verbal warning of the intended use of the CEW followed by a reasonable opportunity to voluntarily comply, when practical.
  - Other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or third parties.

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Although not absolutely prohibited, deputies should give additional consideration to the unique and articulately compelling circumstances involved prior to applying the CEW to any of the following individuals:

- Pregnant females **\*who are not incarcerated**
  - \*Note: Penal Code Section 4023.8(h) strictly prohibits the use of a TASER, Oleoresin Capsicum (pepper spray), or exposures to other chemical weapons on an “incarcerated” pregnant female.**
    - For the purposes of this policy, an incarcerated pregnant female is a person that has received a booking number, whether booked into an actual jail facility of absentee booked away from a jail facility.
- Elderly persons
- Individuals who are handcuffed or otherwise restrained
- Individuals who have been recently sprayed with alcohol-based Pepper Spray or who are otherwise in close proximity to combustible materials
- Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating motor vehicles, possibility of drowning in water, holding a firearm, etc.)

#### **DIRECTIVE A- MULTIPLE ACTIVATIONS OF THE CEW**

If, after a single application of the CEW, a deputy is still unable to gain compliance from an individual and circumstances allow, the deputy should consider whether or not the CEW device is making proper contact, the use of the CEW is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. However, this shall not preclude any deputy from multiple, reasonably necessary applications of the CEW on an individual.

Two CEWs may be applied when deputies are confronted with high-risk subjects who may be armed, extremely violent, and/or wearing thick clothing or when other circumstances would require immediate incapacitation to minimize injuries to the subject or other persons. Applying two CEWs will increase the likelihood of effective probe placement and instant incapacitation.

#### **DIRECTIVE B- TARGET AREAS**

When deputies fire probes at an individual, areas with a large amount of muscle tissue should be targeted. Consistent with the manufacturer's recommendations, the chest area should not be targeted. Leg strikes may provide a higher likelihood of incapacitation if the subject is wearing unusually thick clothing or the physical surroundings do not allow an upper torso strike. Thick layers of clothing do not usually cover the legs.

CEW probes and lasers can cause serious damage to a person’s eyes and should not be aimed or directed toward the face or head area.

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Deputies shall avoid a drive stun in the following areas unless exigent circumstances exist:

- Head
- Neck
- Throat
- Groin

## **PROCEDURE C- POST ACTIVATION CONSIDERATIONS**

### **Medical Treatment**

Any person who has been subjected to the electrical discharge of a CEW and/or struck by CEW probes shall be medically cleared prior to booking.

When probes penetrate a subject's skin and remain embedded, a physician shall remove them. Probes that may have penetrated a subject's skin but have fallen out shall be treated as a biological hazard. They should be placed point first inside a needle/syringe tube and turned in as indicated below.

### **Stage Emergency Medical Services ("EMS")**

When possible, deputies responding to calls for service that include information indicating possible pre-existing condition, possible overdose, cocaine psychosis, agitated chaotic event, or excited delirium, etc. should request additional deputies and consider having medical units staged before CEW activation. Excited delirium is a medical emergency, which may result in the death of the affected subject. Subjects experiencing excited delirium are in need of immediate medical treatment.

### **Evidence Collection**

Photographs of the affected areas of the subject's body shall be taken after the probes have been removed.

The expended cartridge, wire leads, probes, and several AFIDs shall be collected and booked as evidence. If any of the above is not able to be collected, the reasons shall be documented in any related reports.

### **Report of Use**

All CEW discharges, including accidental discharges, and activations where the laser was pointed at a person, shall be documented in the related Incident Report and in the Use of Force Reporting System. Any report documenting the discharge of a CEW cartridge will include the cartridge's serial number and an explanation surrounding the discharge.

Accidental activations with an air cartridge attached during routine pre-shift spark testing must be reported immediately to the deputy's supervisor.

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## **Supervisor Notification**

The on-duty supervisor or watch lieutenant shall be notified any time a subject receives an electric discharge or any probe has penetrated the skin. This requirement does not apply to CEW training applications.

## **Death or injury likely to cause death as the result of a CEW application**

In the event of a death or an injury likely to cause death during or after a CEW application, the CEW Coordinator, or designee, shall be contacted and advised of the incident to ensure that all CEW equipment is properly preserved and examined.

## **PROCEDURE D: CEW COORDINATOR**

The Sheriff's Office will assign a CEW Coordinator to manage the CEW program. The Coordinator shall have the following responsibilities:

- Developing the Sheriff's Office CEW Training Program curriculum
- Approving certified CEW instructors and CEW technicians
- Coordinating training in the use of the CEW to deputies
- Training specified technicians on the procedures for downloading information from CEWs
- Coordinating updated training and re-certification on an annual basis.

## **CEW EQUIPMENT:**

Uniformed deputies and detentions deputies assigned to enforcement or security-related duties, who have been issued a CEW, shall carry the CEW on their person while on duty. Only a TASER brand CEW, which is owned and maintained by the Kern County Sheriff's Office, is authorized for use.

- Deputies shall use only Sheriff's Office-issued TASER cartridges.
- All Sheriff's Office CEWs, except those assigned to the Special Weapons and Tactics Team and Sheriff's Emergency Response Team, shall have a yellow marking sticker or yellow colored body to differentiate the CEW from a lethal weapon.

Holsters shall be worn only on the opposite side of the deputy's handgun. In a situation where the deputy is in an unarmed assignment, the CEW holster shall still be worn on the deputy's support side. A thigh holster may be used in place of the authorized belt holster. The thigh holster must be of a design approved and inspected by the CEW Coordinator prior to field use.

- The cross-draw position of either holster is prohibited.

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- Special Weapons and Tactics Team members and Sheriff’s Emergency Response Team members, while conducting tactical training or operations, may use optional holster systems that meet the specific needs of their tactical equipment and special operations.

**Record Keeping**

The CEW Coordinator is responsible for data management involving the CEW Program.

Data management includes the following duties:

- Downloading TASER X26 and X26P firing data annually.
- Downloading TASER X26 and X26P firing data prior to shipping to TASER International for repair or warranty replacement.
- Property Room personnel shall record the serial numbers of all issued TASERS and air cartridges

Data port downloads may also be conducted at any time upon request by a deputy’s immediate supervisor, lieutenant, commander, or CEW Coordinator.

**Care of the CEW**

Deputies issued a CEW are responsible for the care and security of their CEW.

- CEWs shall be kept in their case or holster when not in use. Dropping an unprotected CEW on a hard surface may damage the unit.
- CEWs and air cartridges shall be carried in the holster or stored in a secure and dry location when not being deployed.
- Personnel shall not remove the XDPM without prior approval from the CEW Coordinator.
- Spark Testing should be conducted before the beginning of each shift.
- The TASER’s XDPM shall be replaced when its power level has dropped to 20 percent.

**TASER technicians and CEW data downloads**

Specified personnel trained as TASER technicians shall conduct routine inspections and maintenance on Sheriff’s Office issued X26 and X26P TASERS.

When a TASER comes into the possession of technician for any reason, the technician shall conduct a data download of the TASER.

At a minimum, a data download of all TASERS shall occur on an annual basis as designated by the CEW Coordinator.

**Download protocol**

When a data download is conducted of a TASER, the technician shall:

- Label the file with the TASERS serial number, technician’s last name, and CAD ID.

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- Store the file in the specified drive and folder as designated by the TASER Coordinator.
- The technician shall never print the data download. All requests for printed data downloads shall be directed to and conducted by the CEW Coordinator.
- The technician shall never delete or alter any downloaded data. If data is accidentally deleted or fails to be saved, the TASER Coordinator shall be immediately notified of the circumstances and be documented by the technician in an incident report.

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