



Kern County Sheriff's Office

Policies and Procedures

TITLE: Use of Force – Electronic Immobilization Shield (EIS) NO: F-0700			
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: Penal Code 835a & 4023.8; DPPM F-0100, F-0200, F-1100, F-1200, & P-0600; Government Code 7286 & 7286.5			
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APPLICABILITY

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

GUIDING PRINCIPLES

In all uses of force, deputies shall adhere to the provisions and Guiding Principles outlined in DPPM F-0100 Use of Force – General and Deadly Force. This policy provides further guidelines regarding approved methods and devices available for the application of force.

BACKGROUND

The use of an Electronic Immobilization Shield (EIS), commonly referred to as a stun shield, within the Detentions Bureau is authorized to provide deputies with a means of safely controlling violent or aggressive inmates, while minimizing injury to staff and inmates. The EIS is a concave Lexan shield coated with energy conductor strips on the face. These strips, which resemble duct tape in appearance, are attached to an electronic, battery-operated stun unit on the back of the shield. Two handgrips that contain the trigger mechanism for the stun unit are also attached to the back of the shield. The EIS may be operated as a standard riot shield without activating the stun unit or with the stun unit activated as an electronic immobilization and take-down device.

When activated and in contact with a person, the EIS generates an electronic pulse that temporarily interrupts voluntary muscle control. While the effects are not the same for everyone, the unit is designed to leave the subject dazed and disoriented, with a loss of balance and a passive feeling. Sustained contact (4-8 seconds) between an activated shield and a subject’s torso can result in a full take-down, temporarily immobilizing the subject.

POLICY

Deputies within the Detentions Bureau are permitted to use an EIS in accordance with the provisions of this policy. The use of an EIS is permissible only when a deputy reasonably believes that less lethal weapons would not be effective, and a subject poses an immediate threat of violence or physical harm, and an EIS shall not be used on a subject who is passively resisting or merely failing to comply with directives.

Prior to using an EIS, whenever feasible, deputies shall attempt to control tense and evolving incidents by using de-escalation tactics (e.g. time, tone, distance, physical barriers and strategies, communication, crisis intervention techniques, and available resources) to lower the intensity of evolving incidents and attempt to resolve them without having to use force.

PROCEDURE A: VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger deputy safety or others' safety or is not feasible due to circumstances of the situation, a verbal announcement of the intended use of the EIS shall precede the application of an EIS device to:

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

Note: Deputies should recognize that, in some circumstances a subject's disability or condition may limit or restrict their ability to comply with directions or commands. Deputies should rely on their relevant training to assess these situations.

If, after a verbal warning, an individual continues to express an unwillingness to 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, activate the EIS to sound the electrical arc in a further attempt to gain compliance before the application of the EIS device.

If the subject is reasonably perceived to be a Spanish speaking, Limited English Proficient (LEP) individual and deputies are fluent in that language, efforts should be made to give the warning in English and Spanish, if feasible. The fact that a verbal or other warning was given or was not given shall be documented in any related reports.

PROCEDURE B: USE OF THE EIS

The EIS will only be used with the specific approval of the appropriate Transportation, Court, or Detentions Facility supervisor, unless an emergency prevents deputies from acquiring prior approval. Should such a situation exist, the appropriate supervisor will be notified as soon as possible. Deputies shall thoroughly document the circumstances that led to any EIS applications in such exigent circumstances, which will be thoroughly assessed in the review process by management.

The EIS may be used, in accordance with this policy, PC 835a, and DPPM F-0100, on any person when there is reason to believe that person is a danger to themselves, to others, or to the safety and/or the security of Sheriff's Office facilities or operations. As with any use of force, the EIS has limitations and restrictions requiring consideration before its use. Although the EIS is generally effective in controlling most individuals, deputies should be alert to the potential for failure and be prepared with other options.

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Deputies may use an EIS device when the circumstances known to the individual deputy at the time indicate that the application of the EIS is reasonably necessary to subdue or control:

- A violent or physically resisting subject who poses an immediate threat to the safety of the deputy or others; or
- A potentially violent or physically resisting subject who has verbally or physically demonstrated an intention to resist and appears reasonably likely to pose an immediate threat to the safety of the deputy or others when:
 - The deputy has given the subject a verbal warning of the intended use of the EIS 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.
- Incarcerated persons who are exhibiting uncontrollable behavior, or who are self-destructive, and who refuse to who refuse to exit or enter their cells or housing units when lawfully commanded to do so, and they appear reasonably likely to pose an immediate threat to the safety of the deputy or others when entering the area to control them.
- Any assaultive subject(s) during riots inside or outside of any facility, but within jail grounds.

PROCEDURE C: GENERAL DEPLOYMENT CONSIDERATIONS

The following guidelines govern use of the EIS:

- EIS application(s) shall be objectively reasonable and proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
- Each application of an EIS is considered a separate use of force and must be separately justified in reporting.
- If the application of an EIS is ineffective, deputies shall consider other objectively reasonable force options proportional to the subject's resistance level.
- Deputies may handcuff subjects while incapacitated by the EIS but should avoid touching the shield area during application to avoid accidental or unintended shock.

PROCEDURE D: SPECIAL DEPLOYMENT CONSIDERATIONS

The use of an EIS is prohibited on the following individuals unless deputies can articulate, based on the totality of the circumstances, other available options reasonably appeared ineffective, impractical, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believed that the need to control the individual outweighs the risk of using the EIS on individual who:

- Appears to be or is elderly (65 or Older)

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- Regardless of age, are believed to have a pacemaker or visibly frail or with obviously low body mass.
- Appears to be a dependent adult or possesses a physical/developmental disability.

PROCEDURE E: MULTIPLE APPLICATIONS

If, after a single application of the EIS, a deputy is still unable to gain compliance from an individual and circumstances allow, the deputy should consider whether the EIS device is making proper contact, the use of the EIS 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 employing multiple, reasonably necessary applications of the CEW on an individual. However, multiple applications shall be limited to a total of three (3) EIS cycles (approximately 5 seconds each) or an approximate total of 15 seconds of cumulative EIS application. Exceeding three cycles may be appropriate under the limited circumstances only when the deputy stops to reassess the situation and the only reasonable alternative would be the continued use of the EIS, rather than a use of force that could cause great bodily injury or death.

PROCEDURE F: GENERAL PROHIBITIONS

The following provisions are unauthorized uses of the EIS and are prohibited:

- Use of the EIS to coerce, harass, belittle, or abuse any person or prisoner.
- Use of the EIS in any form of horseplay.

Vulnerable Populations

Penal Code Section 4023.8, subdivision (h) strictly prohibits the use of a CEW, Oleoresin Capsicum (pepper spray), or exposure to other chemical weapons on an “incarcerated” pregnant person. This prohibition shall include the use of the EIS. Whenever staff have knowledge or believes that an incarcerated person is pregnant, the EIS will not be used against that inmate.

- For this policy, an incarcerated pregnant person is someone reasonably believed to be pregnant who has received a booking number, whether booked into an actual jail facility or absentee booked away from a jail facility.

The use of an EIS on the following is prohibited unless necessary to avoid the use of deadly force or in the immediate defense of life and there are no other available reasonable alternatives.

- Subjects in custody and handcuffed, restrained, or otherwise incapacitated/immobilized.
- If any flammable liquids have been thrown on the shield surface or if deputies believe they are in an environment where flammable gases or vapors are present, deputies will not activate the EIS, because of the danger of ignition.
- Whose position or activity may result in collateral injury (e.g., falls from height).

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PROCEDURE G: AUTHORIZED USERS

No employee will operate the EIS, or trigger the stun mechanism, without having successful completion of an EIS training course, and any required ongoing training. Initial training will consist of a classroom and practical session on the components and the proper use of the EIS. The Training Section will designate instructors to conduct training courses in the use of the EIS.

PROCEDURE H: POST-APPLICATION CONSIDERATIONS

Medical Treatment:

Evaluate and render medical aid as outlined in DPPM F-0100 and DPPM P-0600. After any activation of the EIS stun unit on any person, the activating deputy shall have the person examined by the medical staff as soon as practical.

Stage Emergency Medical Services (“EMS”)

When possible, deputies responding to incidents within a custodial facility that includes information indicating possible pre-existing conditions, possible overdose, cocaine psychosis, or other signs of medical distress¹, etc., should request additional deputies and consider having medical units staged before EIS activation. Subjects experiencing these pre-existing conditions need immediate medical treatment.

Evidence Collection

Per DPPM P-0600, photographs of the affected areas of the subject’s body shall be taken to show the existence or absence of injury following a use of force.

Reporting Requirements:

All EIS applications shall be documented in the related Incident Report and the Use of Force Reporting System as outlined in DPPM F-0200.

In addition, any time an EIS is physically applied to a person, regardless of whether the stun unit was activated, the incident shall also be documented in a JMS incident report. The JMS incident will include the incident type “**4036 – Use of EID Device.**”

Supervisor Notification

See Procedure B of this policy. In all cases in which deputies use an EIS they shall make a notification to the on-duty supervisor or watch lieutenant as soon as safely possible. All supervisors shall conduct a review of the application of the EIS per DPPM F-0200.

¹ Refers to indicators of medical distress such as an individual exhibiting extreme agitation, violent or irrational behavior, extraordinary strength beyond their physical characteristics, and imperviousness to pain. These signs may indicate an increased risk of sudden death requiring immediate medical attention. See DPPM P-600 for further details.

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This requirement does not apply to EIS training applications.

Death or injury likely to cause death in conjunction with an EIS application:

Any incidents involving death or serious bodily injury after the use of an EIS will be investigated as outlined in F-1100 and F-1200.

PROCEDURE I: EIS MAINTENANCE AND RESPONSIBILITIES

The Administrative Sergeant of each facility that has an EIS shall designate a deputy to be responsible for the maintenance of that facility's units. An inspection of the EIS shall take place at least once per month. During these inspections, the designated deputy will:

- Ensure that the EIS power units and triggering mechanisms are in good working order.
- Ensure that all the batteries are sufficiently charged.
- Affix a tag on the equipment noting the date of the most recent check on the status of the batteries and stun unit.
- Maintain a log in which all checks and maintenance of the EIS will be recorded. This log will be kept in the place designated for storage of the EIS.

If any maintenance of the EIS is required, the Administrative Sergeant will contact the EIS Instructional Team Leader to arrange for the maintenance of the unit. Only EIS Instructional Team Members will perform any maintenance or replace the batteries of the EIS.

COMPLIANCE AUDITS

The Lerdo Compliance Section will conduct annual audits of EIS uses to determine compliance with the provisions of this policy and to identify training needs and policy updates. Such audits will be conducted in coordination with the EIS Instructional Team Leader. The audit report shall be forwarded to the affected section and division managers, as well as the Detentions Bureau Chief Deputy and the Compliance Bureau Chief Deputy.

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