

## Conducted Energy Device (CED) - Taser 10

### 309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Conducted Energy Device (CED) is a less lethal device intended to temporarily incapacitate a violent or potentially violent subjects while substantially reducing the likelihood of serious injury or death. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to both Members and subjects.

**\*\*\*Policy 309 applies to Members carrying the Taser 10 CED. For Members carrying the Taser X26 CED, please refer to Policy 312 \*\*\***

### 309.2 AUTHORIZED CONDUCTED ENERGY DEVICE (CED)

Taser 10 is manufactured by Axon Enterprises, Inc.

### 309.3 POLICY

1. Members who have completed Department approved training may be issued a CED in accordance with their assignment. In most locations, CED's will be assigned to individual Members for the duration of their assignment within the division, with only the batteries checked in and out at the beginning and end of shift.
  - In assignments where individual device assignment is not feasible, CED's will be issued and returned at the beginning and end of each shift.
  - Members assigned a CED must return the device to the Department's inventory when leaving a particular assignment with the approval of their Division Commander.
2. Members shall only use the CED, battery, magazine, and cartridges that have been issued by the Department. The device should be carried as a part of a uniformed Member's equipment in a Department-approved holster. The addendum of approved holsters is maintained by the Training Division Commander. Non-uniformed Members may carry the CED in an approved holster or the device may be stored in the Member's county vehicle during their work shift in accordance with OCSO Policy 380.11.1.
3. When the CED is carried as part of a uniformed Member's equipment, it shall be carried in a Department approved holster. When carried on a Member's duty belt, drop leg holster, or external carrier, the CED shall be carried on the side of the body opposite the Member's duty weapon.
4. Members shall verify the expiration date of each cartridge prior to the start of their shift. Expired cartridges should be taken out of service, returned to the equipment room, and replaced immediately.
5. Members shall be responsible for ensuring that their issued CED is properly functioning prior to starting their shift. Member should ensure LED side lights are Blue prior to completing a function test, and Yellow before placing the CED in-service.
6. The CED's data shall be uploaded after any Use of Force (UOF) incident involving a CED by the end of the Member's shift (See Policy 309.5.2) unless otherwise approved

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by a supervisor. Supervisors granting an extension must document the reason for the approval, the time period of the extension, and communicate this approval in writing to their Captain. Any extension granted may not exceed four working days for the Member. Additionally, the CED's data shall be uploaded a minimum of every 30 days, or when the battery capacity reaches 20% or less, or after a deployment.

7. Members are highly discouraged from holding a CED and a firearm at the same time due to the risk of unintentionally applying deadly force.
8. Utilization of a CED in any manner (horseplay or other behavior) not authorized by this policy or the Department Policy Manual (Lexipol) is strictly prohibited.

### **309.4 VERBAL AND VISUAL WARNINGS**

1. Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal warning of the intended use of the CED shall precede the application of the device in order to:
  - (a) Provide the individual with a reasonable opportunity to voluntarily comply.
  - (b) Provide other Members and individuals with warning that a CED may be deployed.
2. If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a Member's lawful orders and it appears both reasonable and practical under the circumstances, the Member may, but is not required to, activate the CED's audible tone, bright pulsing light, and/or the aiming 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 person as it may permanently impair his or her vision.

### **309.5 USE OF THE CONDUCTED ENERGY DEVICE**

As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. Members should be aware that effectiveness is not guaranteed. Members should be prepared with other options in the unlikely event of such a failure. The CED should only be used when its operator can safely approach the subject within the operational range of the device.

1. Authorized Members may use the CED to subdue or control a subject who poses an immediate threat to the safety of the Member (or others), when the Member has an objective reason to believe that less intrusive tactics are unlikely to be effective. "Immediate threat" should be understood to mean the following:
  - (a) A violent or physically aggressive subject, or
  - (b) A likelihood of violent or physical aggression, as indicated beyond mere agitation or non-compliance.
2. Individuals suspected of being under the influence of drugs/alcohol or exhibiting nudity, profuse sweating, extreme strength, extreme agitation, and irrational behavior may be

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more susceptible to collateral problems and should be closely monitored following the application of the CED until they can be examined by medical personnel.

3. Due caution should be considered when utilizing the CED on persons in the following classes:
  - (a) Juveniles.
  - (b) Women who appear or claim to be pregnant. For inmates known to be pregnant, refer to Policy 309.5(4).
  - (c) Persons who are visibly frail.
  - (d) Individuals who have a preexisting medical condition that increases danger, and of which deputies become aware.
  - (e) The elderly.
4. In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.
5. The CED is prohibited from being used:
  - (a) To torture, psychologically torment, or inflict undue pain on any individual.
  - (b) In a punitive or coercive manner.
  - (c) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - (d) In any environment where the Member knows that a potentially flammable, volatile, or explosive material is present (including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, or propane).
  - (e) Any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
  - (f) On any individual when a canine has engaged, except at the canine handler's direction.
  - (g) Any persons who are nonviolently participating in a public protest or passively resisting in a way that does not pose an immediate threat to the safety of the officer or others.
  - (h) To arouse an unconscious, intoxicated, or impaired individual.
  - (i) When the subject is no longer an immediate threat, the use of the CED shall be discontinued.

#### 309.5.1 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, Members should attempt to target the back, lower center

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mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

### 309.5.2 MULTIPLE APPLICATIONS OF THE DEVICE

Members 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 should be avoided unless the Member reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

1. If, after the initial cycle of the CED, the Member is still unable to gain compliance and circumstances allow, the Member shall:
  - (a) Determine if other options or tactics may be more appropriate; or
  - (b) Consider whether or not the probes are making proper contact; or
  - (c) Determine if the use of the CED is limiting the ability of the individual to comply.
2. Multiple uses of the CED may be reasonably necessary, but the use of the CED shall be discontinued once the subject does not pose an immediate threat:
  - (a) The Member should reassess the subject after each CED cycle to determine compliance or the presence of any possible medical issues.
3. Simultaneous applications of CEDs should be limited to high risk or exigent circumstances.
4. The first probe fired from a CED does not send conductive energy to the subject. The second probe should be deployed as quickly and as accurately as possible to achieve neuromuscular incapacitation (NMI). Additional probes may be deployed until the subject complies or is no longer an immediate threat. If multiple CED probes are deployed, the CED will automatically select the optimal probes to achieve NMI.

### 309.5.3 REPORT OF USE AND DOCUMENTATION

1. Members shall notify their supervisor as soon as reasonably possible following the application of a use of force.
2. After a Use of Force (UOF) incident involving a CED, the member shall:
  - Remove the CED battery (which stores the data) from service prior to the completion of their shift.
  - Label (i.e. red tag) the battery to avoid it from being placed back into service.
  - Dock the battery to upload the CED data into the Digital Evidence Management System (D.E.M.S.).
  - Ensure that the upload was successful in the D.E.M.S. before removing label and returning the CED battery to service.
  - Attach the CED usage report to the respective report within FBR per Policy section 802.2.1 – Digital Evidence Booking procedure.

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3. All CED discharges shall be reported and documented pursuant to the guidelines articulated in the Policy 300 Use of Force.
4. Additionally, all CED discharges shall be documented in the related incident and/or crime report. Members reporting a CED discharge shall document in writing the facts and circumstances surrounding the incident that led the Member to decide to use a CED. Members should carefully and thoroughly articulate the observations made that caused them to deploy a CED. The related reports shall include whether a verbal and/or other warning was given prior to deploying a CED, if the built in warning alert was activated, or if no warnings were given, the report shall include the reason(s) it was not given.
5. If the subject is booked into the Orange County Jail system, a notation of CED deployment shall be made in the "Statement of Booking Officer" of the Intake Screening and Triage form for review by CMS.
6. Any unexpected discharge of a CED probe shall be documented in a memo directed to the Member's Commander detailing what occurred. The memo shall be maintained by the respective Bureau pursuant to the Department's retention policy.
7. Although the first probe does not send conductive energy to the subject, it is considered a deployment. A minimum of two (2) individually fired probes are required to make a connection to achieve NMI. The initial single probe deployment and additional probe deployments to the same subject count as a single deployment.

#### **309.5.4 COLLECTING PROBES AS EVIDENCE**

After all CED discharges, the probes and all attached wire shall be collected and carefully placed in a biohazard container. Care should be taken to maintain the integrity of the knots attaching the probes. All items collected shall be placed into Sheriff's property as evidence. This shall be notated on any subsequent reports. Probes and wires used as part of the initial Departmental CED certification training and subsequent recertification training or unexpected discharges are exempt unless injury results.

#### **309.5.5 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 alternate methods are not reasonably available or would likely be ineffective.

#### **309.6 MEDICAL TREATMENT**

1. Any person who has been subjected to the electrical discharge of a CED, and/or struck by CED probes, who does not exhibit injury and/or does not appear to be in any kind of adverse medical distress, may be transported to the jail and shall be medically evaluated by Correctional Medical Services prior to booking.
2. Any individual exhibiting signs of distress after the application of a CED shall be medically evaluated as soon as practicable by either paramedics at the scene or taken to a hospital for examination. Signs of distress may include shortness of breath, chest pain, and/or dizziness.

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3. The following situations require mandatory medical evaluation as soon as practicable by either paramedics at the scene or by medical personnel at a hospital:
  - (a) Persons struck in a sensitive area, e.g., eyes, hands, head, genitals, female breasts.
  - (b) Where a Member cannot safely remove probes in accordance with training.
  - (c) Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are visibly frail, persons who Members become aware have a preexisting medical condition that increases danger, and the elderly.
  - (d) Individuals who are exhibiting nudity, profuse sweating, extreme strength, extreme agitation, violent or irrational behavior, or are imperviousness to pain, or require a protracted physical encounter with multiple Deputies to bring them under control. These individuals may be more susceptible to collateral medical problems and should be closely monitored following the application of the CED until they can be examined by paramedics and/or taken to a hospital for an examination.
4. If the subject is an inmate at one of the five Orange County Sheriff's jail facilities at the time of a CED application, the Supervisor on scene shall arrange for CMS medical care as soon as possible. If CMS personnel are not available at the facility, the IRC medical staff shall be immediately notified and appropriate treatment shall be arranged.
5. Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another Department Member and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made and a notation in the report indicating the subject's refusal was recorded and either booked as evidence or stored on the Department's digital video server system.
6. Persons subjected to numerous or prolonged applications of the CED.

### **309.7 SUPERVISOR RESPONSIBILITIES**

Following a use of force, the supervisor shall verify the CED data report was uploaded into D.E.M.S. by the involved Member by the end of shift per Policy 802.1.5 – Digital Evidence Booking Procedure. A copy of the uploaded CED data shall be attached to the use of force analysis in CRM.

Refer to Policy 300.9 Use of Force – Supervisor Responsibility.

### **309.8 TRAINING**

Any certification or re-certification in the use of the CED shall be under the direct control and supervision of the Training Division staff. In addition to the initial Department approved training required to carry and use a CED, Members shall be re-certified during each two-year Perishable Skills training cycle, by a Training Division approved CED instructor. A reassessment of a Member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Division Commander.

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#### **309.9 STORAGE**

All CEDs not carried by Members shall be secured in a equipment room, storage room, storage cabinet, or locked in a locker/security box. The CED shall be stored in the same manner as a firearm. For storage of firearms, see OCSD Policy 380.11.

#### **309.10 INVENTORY**

All CEDs from each Command shall be inventoried no less than once every 180 days by the Training Sergeant or his/her designee. All CEDs shall be accounted for and logged. The required download shall serve as inventory and accountability for each device. The records shall be kept on file for two (2) years.