SACRAMENTO POLICE DEPARTMENT
GENERAL ORDERS

580.10
USE OF THE CONDUCTED ENERGY DEVICE
11-03-15

PURPOSE
The purpose of this order is to establish guidelines for the deployment and use of the Conducted Energy Device (CED).

POLICY
It shall be the policy of the Sacramento Police Department to deploy and use CEDs, when reasonable, to maximize the safety of all individuals involved in an incident.

PROCEDURE
A. DEFINITION
1. CONDUCTED ENERGY DEVICE (CED) - A device which uses an electrical waveform to directly cause muscle contractions and override the central nervous system to not only stun but physically incapacitate a subject.
2. DISCHARGE - To fire the CED probes at a subject.
3. DRIVE STUN - The direct contact use of a CED. The drive stun, unless used to complete the electrical circuit of a probe deployment, affects the sensory nervous system only, making it a pain compliance weapon that will not cause overriding muscle contractions. This method induces subject control through pain only, not incapacitation.
4. CYCLE - A preset timed electrical current discharge from a single trigger pull of the CED or a manually-activated, continuous discharge of varying length produced by the officer holding down the trigger mechanism.
5. DISPLAY - To draw a CED and plainly bring it to a subject's attention in an attempt to gain compliance without using the CED on a subject.
6. ARC - To display a CED and activate the electrical arc between the 2 contact points, without a cartridge, in an attempt to gain compliance without using the CED on a subject.
7. LASER - A high intensity light utilized for more efficient target acquisition, increased accuracy and utilized as a tool to gain compliance.
8. ACTIVE AGGRESSION - A threat or overt act of assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
9. ACTIVE RESISTANCE - Physically evasive movement to defeat an officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into custody.
10. PASSIVE RESISTANCE - Resistance to authority or law by non-violent methods, for example: a person who remains in a limp, prone position or peaceful demonstrators refusing to disperse.
11. BLUE TEAM (BT) - Web-based computer software that allows Supervisors to enter Use of Force (UOF) and pursuit reports from a Department Computer.

B. GENERAL
1. A CED shall only be used by officers, and authorized non-sworn Department personnel trained in its deployment and use. For the purpose of this General Order, authorized non-sworn Department personnel shall include Limited Term Community Service Officers and Civilian Forensic Investigators.
2. Officers and authorized non-sworn Department personnel shall use the CED in a manner that is consistent with Departmental orders and training guidelines.
3. A CED is not a substitute for deadly force.
4. Officers and authorized non-sworn Department personnel shall only use a CED in the drive stun mode when specifically authorized by a Lieutenant or higher as a backup to complete the circuit on an ineffective probe deployment or in the immediate defense of an officer.
5. CEDs should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.

6. Use of the CED via drive stun or by discharge of probes during incidents of passive resistance on a passive subject shall not be authorized.

7. No individual officer shall simultaneously draw and hold a CED and any firearm.

C. CED CARRY POSITIONS

1. The CED shall be worn at all times by all sworn, uniformed officers and authorized non-sworn Department personnel.
   a. Exceptions:
      (1) Uniformed personnel attending a formal ceremony or funeral.
      (2) Officers assigned to administrative positions.
      (3) Authorized non-sworn Department personnel assigned to non-field functions.

2. When practical, all sworn, plainclothes officers should consider having a CED readily available when engaged in any of the following:
   a. Warrant service.
   b. Probation or parole searches.
   c. Conducting any field contact where there is likely potential for confrontation with a suspect.

3. Officers shall wear the CED holster on the opposite side of their handgun.
   a. Officers issued a CED should keep at least two extra cartridges.
      (1) The extra cartridges may be carried on their person or accessible in their vehicle.
      (2) Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.

4. To avoid adverse muscle memory upon upgrade to sworn police officer, Limited-Term Community Service Officers shall wear the CED on the side opposite of where they would otherwise wear their handgun.

D. PRE-DEPLOYMENT RESPONSIBILITIES

Officers and authorized non-sworn Department personnel assigned a CED shall be responsible for maintaining the device’s operational readiness. As such, officers and authorized non-sworn Department personnel shall:

1. Store the device and extra cartridges in the issued holster or case when not in use.

2. Secure all CEDs in a locked, secured location (i.e. locker, desk drawer, etc.) when left unattended in a police facility.

3. Check the CED’s battery strength in accordance with CED training to ensure adequate battery charge.

4. Check the expiration date and condition of the CED cartridges. Expired and/or damaged cartridges shall be turned in to the Armorer or a supervisor for replacement.

E. CONSIDERATION FOR THE USE OF THE CED

1. As with any other force option, a CED application may not always be effective in subduing an individual. Officers should be prepared to transition to other force options as necessary in the event of a CED failure. The CED should only be used when its operator can safely approach the subject within the operational range of the CED. Officers may use a CED device when circumstances known to the individual officer at the time indicate that the application of the CED is reasonable to subdue or control:
   a. A violent or physically resisting subject
   b. A potentially violent or physically resisting subject if:
      (1) The subject has indicated or physically demonstrated an intention to resist.
      (2) The officer has given the subject a verbal warning of the intended use of the CED followed by a reasonable opportunity to voluntarily comply.
      (3) Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
c. A fleeing subject ONLY when the officer has considered:
   (1) The severity of the offense
   (2) The subject's threat level to others.
   (3) The risk of serious injury to the subject

NOTE: Fleeing shall not be the sole justification for using a CED against a subject.

2. Authorized non-sworn Department personnel shall only use the CED in immediate defense of themselves or another member of the Department.

3. Authorized non-sworn Department personnel who use the CED in defense of themselves or others shall:
   a. Attempt to get away from the situation as soon as possible.
   b. Not engage the suspect and immediately call for code 3 assistance from sworn officers.

4. Unless exigent circumstances exist where the suspect reasonably appears to present a threat of great bodily injury to themselves or others, officers should not use the CED on any of the following individuals:
   a. Pregnant women, elderly persons, young children, and visibly frail persons.
   b. Individuals in the known presence of combustible vapors and liquids or other flammable substances including but not limited to, alcohol based Oleoresin Capsicum (O.C.) Spray.
   c. Individuals whose position or activity may result in collateral injury including but not limited to:
      (1) Falling from height.
      (2) Drowning.
      (3) Operating vehicles.

5. Because the application of the CED in the drive stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised as the controlling effects may be limited.

F. TACTICAL USE

1. An officer may display a CED’s arc if the officer reasonably believes it will avert a potentially dangerous or injurious situation and the officer has ensured that the CED cartridge has been removed from the CED. The display of the CED’s arc under these circumstances is not considered a discharge under this order. Officers who display the CED’s arc under these conditions shall document such use in a General Offense report.

2. When an officer determines that a CED should be utilized, the officer deploying the CED should, if possible, assemble a sufficient number of officers to assist with taking the suspect into custody. The number of additional officers and their responsibilities is dictated by the dynamics of each incident.

3. Consideration should be given to designating responsibilities as follows:
   a.
   b.
   c.
   d.
   e.

4. Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the CED shall precede the application of a CED in order to:
   a. Provide the individual with a reasonable opportunity to voluntarily comply.
   b. Provide other officers and individuals with warning that a CED may be deployed.

5. If, after a single application of the CED, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should re-assess whether or not:
   a. The CED device is making proper contact.
   b. The use of the CED is limiting the individual’s ability to comply.
6. During the use of the CED, officers shall:
   a. Assess if the subject is in a position for officers to physically engage the subject with arrest control techniques.
   b. 
   c. 
   d. Consider that officers are able to utilize physical arrest control techniques during the application of the CED while avoiding probes and wires.
   e. Handcuff the subject as soon as reasonably possible.

G. RESPONSIBILITIES AFTER USE
1. Any use or attempted use of a CED upon a person shall be immediately reported to the field supervisor or to the on-duty Watch Commander if the use or attempted use occurred when the officer or authorized non-sworn Department personnel was off duty.
2. In the event that an authorized non-sworn employee discharges a CED in self-defense, the appropriate field supervisor or on-duty Watch commander shall ensure that the reporting procedures and supervisor’s responsibilities specified in GO. 580.02 (Use of Force) are followed.
3. In the event the CED is discharged by an authorized non-sworn employee, that employee shall immediately call for code 3 assistance from sworn officers. The responding officers shall be responsible for administering after force care as outlined below.
4. After a CED has been used upon a subject, the officer who used the CED shall as soon as possible ensure the following are conducted
   a. Ensure an officer remains with the subject, monitoring the subject’s life signs to the extent practical:
      (1) Breathing.
      (2) Pulse.
      (3) Functional consciousness (voluntary movement and speech).
   b. Request that emergency medical assistance respond Code 3 to assess each subject into whom CED probes were discharged.
   c. Be aware of and monitor the subject for signs of medical distress, such as excited delirium, per (refer to G.O. 522.02 Emergency Medical Care for Individuals under Police Care or Control).
   d. Ensure the suspect's injuries, if any, are appropriately treated. Only medical personnel may remove probes that are embedded in a suspect's skin.
   e. Comply with the reporting procedures/supervisor's responsibilities specified in G.O. 580.02 Use of Force.
   f. Ensure any discharged cartridges, probes, and a sampling of AFID (Anti-Felon Identification) "microdots" that are discharged with the probes are collected and booked as evidence.
   g. Ensure probes are handled and booked as bio-hazardous "sharps."
   h. Ensure the serial number of the CED and cartridge(s) used and descriptions of probe contacts into the suspect/clothing are included in the appropriate report(s).
   i. Ensure photographs are taken of probe impact sites and any other injuries.
   j. Prior to booking, the officer shall obtain the name and badge number of the jail staff and advise him/her that the CED was used to control the individual and that the individual should be observed.
5. In any case where a CED is discharged or used in the drive stun mode, a trained Watch Commander or designee shall upload the CED use data and cause it to be attached to the Blue Team entry. Trained Internal Affairs supervisors and Homicide supervisors may also upload the CED use data as circumstances dictate.
6. Any accidental discharge of a CED cartridge shall be immediately reported to the officer’s or authorized non-sworn Department personnel’s field supervisor or the on-duty Watch Commander if the discharge occurred when they were off-duty. Additionally:
   a. The CED and any involved cartridge(s) shall be booked for inspection when there is reason to believe the CED malfunctioned.
   b. The on-duty Watch Commander (or designee) shall initiate an administrative investigation into the accidental discharge of the cartridge and send a copy of the findings in memorandum format through the chain of command to the involved employee’s Deputy Chief.