



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



580.10 CONDUCTED ENERGY DEVICE (CED) 9-17-20

PURPOSE

This policy establishes guidelines for the issuance, deployment, and use of the Conducted Energy Device (CED).

POLICY

The Sacramento Police Department values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. A peace officer shall only use the amount of force that the officer reasonably believes is necessary under the totality of the circumstances. A peace officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force.

Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force necessary to effect the arrest, to prevent escape, or to overcome resistance. During these situations, a peace officer shall continually evaluate their tactics when determining the appropriate use of force (UOF) response. If necessary, a peace officer shall render medical aid pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) as soon as reasonably possible.

A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making UOF decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

Peace officers shall deploy and use CEDs when objectively reasonable under the circumstances presented to maximize the safety of all individuals involved in an incident. In deciding whether or not to use a CED, peace officers must consider the severity of the crime, if any, whether the subject poses an imminent threat to his or her own safety, the safety of peace officers or other persons, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious bodily injury or death. The appropriate use of the CED should result in fewer serious injuries to peace officers and subjects.

PROCEDURE

A. DEFINITIONS

1. CONDUCTED ENERGY DEVICE (CED) – A device that uses an electrical waveform to directly cause muscle contractions and override the central nervous system, not only to stun but to physically incapacitate a subject.
2. CED CARTRIDGE – The CED cartridge fires two small dart-like electrodes, which stay connected to the main unit by conductive wire as they are propelled by small compressed nitrogen charges. The cartridge contains a pair of electrodes and propellant for a single shot.
3. DISCHARGE – To fire the CED probes at a subject.
4. NEUROMUSCULAR INCAPACITATION (NMI) – Neuromuscular incapacitation, or NMI, is the



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scientific term for what happens to the body when exposed to the CED. NMI causes the skeletal (voluntary) muscles to tightly contract. This muscle contraction gives peace officers and authorized non-sworn uniformed department personnel the ability to incapacitate the person without relying on pain compliance only.

5. DRIVE STUN - The direct contact use of a CED, without a cartridge installed, where the electrodes on the front of the CED make contact with the subject. The drive-stun affects the sensory nervous system only, making it only a pain compliance tool, not an incapacitation tool.
 6. CIRCUIT COMPLETION - The front of the CED, with the cartridge still installed, is used to make direct contact with the subject following a probe deployment. This may be required if the probes do not have sufficient spread preventing NMI, or when one of the two probes do not make sufficient contact with the subject. The greater the distance from the probes, the greater the effectiveness. The additional control provided by the direct contact circuit completion will cease when the electrodes lose contact with the individual.
 7. 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 peace officer holding down the trigger mechanism.
 8. 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.
 9. ARC – To display a CED and activate the electrical arc between the two contact points, without a cartridge, in an attempt to gain compliance without using the CED on a subject.
 10. LASER – A high intensity light utilized for more efficient target acquisition and increased accuracy and utilized as a tool to gain compliance.
 11. 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.
 12. ACTIVE RESISTANCE – Physically evasive movement to defeat a peace officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into custody.
 13. 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.
 14. BLUE TEAM (BT) – Web-based computer software tracking system that allows sergeants to enter Use of Force (UOF) and pursuit incidents from a department computer.
- B. ISSUANCE AND CED CARRY POSITIONS**
1. A CED shall only be used by peace officers and authorized non-sworn uniformed department personnel trained in its deployment and use. For the purpose of this general order, authorized non-sworn uniformed department personnel shall include limited-term community service officers and civilian forensic investigators.
 2. The CED shall be worn at all times by all sworn, uniformed peace officers and authorized non-sworn uniformed department personnel. Exceptions are the following:
 - a. Uniformed personnel attending a formal ceremony or funeral
 - b. Peace officers assigned to administrative positions
 - c. Authorized non-sworn uniformed department personnel assigned to non-field functions
 3. When practical, all sworn, plainclothes peace 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 subject
 4. Peace officers shall wear the CED holster on the opposite side of their handgun.
 5. Peace officers issued a CED should keep at least two extra cartridges.



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- a. The extra cartridges may be carried on their person or accessible in their vehicle.
 - b. Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.
6. To avoid adverse muscle memory upon upgrade to sworn peace officer, limited-term community service officers shall wear the CED on the side opposite of where they would otherwise wear their handgun.

C. UNIVERSAL CONSIDERATIONS FOR THE USE OF THE CED

1. A CED is not a substitute for deadly force.
2. The use of the CED is considered a serious UOF. Each individual cycle of the CED must be objectively reasonable under the circumstances.
3. A subject gaining control of one or more pieces of a peace officer's equipment alone may not constitute justification for the use of deadly force.
4. No peace officer shall simultaneously draw and hold a CED and any firearm.
5. Authorized non-sworn uniformed department personnel shall only use the CED in immediate defense of themselves or another member of the department.
6. Authorized non-sworn uniformed department personnel who use the CED in defense of themselves or another person shall:
 - a. Attempt to get away from the situation as soon as possible.
 - b. Not engage the subject and immediately call for code 3 assistance from sworn peace officers.
7. CED deployment shall cease when the subject no longer represents an imminent risk of serious bodily injury or death to themselves, the peace officer or another person.
8. The CED 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 another person.
9. Circuit completion may be used to complete the circuit when probes do not have sufficient spread preventing NMI, or when one of the two probes do not make sufficient contact with the subject.
10. Peace officers shall not deploy the CED in the Drive Stun mode, unless used in the immediate defense of themselves or another person at imminent risk of serious bodily injury or death.
11. Use of the CED on a passive subject during incidents of passive resistance shall not be authorized.

D. VERBAL AND VISUAL WARNINGS

1. Unless it would otherwise endanger the safety of a peace officer or is impractical due to circumstances, a verbal announcement of the intended use of the CED shall precede the application of a CED to:
 - a. Provide the individual with a reasonable opportunity to comply voluntarily.
 - b. Provide other peace officers and individuals with a warning that a CED may be deployed.
2. A peace 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. Peace officers who display the CED's arc under these conditions shall document such use in a general offense report.

E. TARGETING CONSIDERATIONS

1. Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the peace officer to limit the application of the CED probes to a precise target area, officers 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.

F. DEPLOYMENT CONSIDERATIONS FOR THE USE OF THE CED



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1. Peace officers and authorized non-sworn uniformed department personnel shall use the CED in a manner that is consistent with departmental orders and training guidelines.
2. As with any other force option, a CED application may not always be effective in subduing an individual. Peace 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. Peace officers may use a CED device when circumstances known to the individual officer at the time indicate that the application of the CED is objectively reasonable to subdue or control a subject.
3. A peace officer may deploy and use the CED under the following circumstances:
 - a. To incapacitate a violent or physically resisting subject whose conduct rises at least to the level of active resistance. This includes threats or pre-indicators leading up to assaultive or resistive behavior where:
 - (1) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves or another person.
 - (2) The peace officer has given the subject a verbal warning of the intended use of the CED followed by a reasonable opportunity to comply voluntarily.
 - (3) Other available options reasonably appear ineffective or would present a greater danger to the peace officer or subject.
 - b. A fleeing subject ONLY when the peace officer has considered:
 - (1) The severity of the offense.
 - (2) The subject's threat level to another person.
 - (3) The risk of serious bodily injury to the subject.

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

- c. To incapacitate a suicidal subject who can't be safely controlled through crisis intervention techniques or other available resources.
4. Peace officers shall avoid using the CED for more than a total of three (3) five-second cycles (15 seconds), unless the totality of the circumstances are such that a reasonable peace officer would conclude that each subsequent application of the CED, analyzed separately, is warranted by the imminent threat to the peace officer or another person.

NOTE: Multiple applications or continuous cycling of the CED resulting in exposure longer than 15 seconds (three full five-second cycles) may increase the risk of serious bodily injury or death and should be avoided unless the totality of the circumstances are such that a reasonable peace officer would conclude that each subsequent application of the CED, analyzed separately, is warranted by the imminent threat of serious bodily injury or death to the officer or another person.
5. Unless exigent circumstances exist where the subject reasonably appears to present a threat of serious bodily injury to themselves or another person, peace officers should not use the CED on any of the following individuals:
 - a. Individuals who are known to be pregnant, elderly, juveniles, and frail persons (i.e. physically weak, fragile or delicate).
 - 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.

G. DANGEROUS ANIMALS



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1. The CED may be deployed against a potentially aggressive animal, such as a dog, if the animal reasonably appears to pose an immediate threat of serious bodily injury or death to a peace officer or to another person and alternative methods to deter or control the animal are not reasonably available or would likely be ineffective.

H. TACTICAL CONSIDERATIONS

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

2. Consideration should be given to designating responsibilities as follows:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

3. If, after a single application of the CED, a peace officer is still unable to gain compliance from an individual and circumstances allow, the officer should re-assess whether:

- a. The CED device is making proper contact.
- b. The use of the CED is limiting the individual's ability to comply.

4. During the use of the CED, peace officers shall:

- a. Assess if the subject is in a position for officers to physically engage the subject with arrest control techniques.

- [REDACTED]
- [REDACTED]
- [REDACTED]

- d. Consider that officers are able to utilize physical arrest control techniques during the application of the CED [REDACTED]

- e. Handcuff the subject as soon as reasonably possible. Handcuffing under power (actively cycling) is recommended while making sure that the officer does not have direct contact [REDACTED]

I. 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 peace officer or authorized non-sworn uniformed department personnel was off-duty.
2. If an authorized non-sworn uniformed 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 pursuant to GO 580.02 (Use of Force) are followed.
3. In the event the CED is discharged by an authorized non-sworn uniformed employee, that employee shall immediately call for Code 3 assistance from sworn peace officers. The responding peace officers shall be responsible for administering after force care as outlined below.
4. After a CED has been used upon a subject, the peace officer who used the CED shall ensure the following are conducted as soon as possible:



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- a. Ensure a peace officer remains with the subject, monitoring the subject's life signs to the extent practical including but not limited to:
 - (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 pursuant to GO 522.02 (Emergency Medical Care for Individuals under Police Care or Control).
 - d. Ensure the subject's injuries, if any, are appropriately treated. Only medical personnel may remove probes that are embedded in a subject's skin.
 - e. Comply with the reporting procedures/supervisor's responsibilities pursuant to GO 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 subject/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 peace 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 in which a CED is discharged or used in the drive stun mode, a trained watch commander or designee shall upload the CED use data and upload the CED use log to the software tracking entry. Trained Internal Affairs supervisors and Homicide supervisors may also upload the CED use data log as circumstances dictate.
6. Any accidental discharge of a CED cartridge shall be immediately reported to the peace officer's or authorized non-sworn uniformed department personnel's field supervisor or the on-duty watch commander if the discharge occurred when they were off duty.
- 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.
- J. CARRYING A CED ON PUBLIC OR PRIVATE SCHOOL GROUNDS
1. Penal Code 626.10 (a)(1) prohibits any person, except a duly appointed peace officer from bringing a CED onto any public or private school providing instruction in kindergarten through university level.
 2. Authorized non-sworn uniformed department personnel shall not bring a CED onto any public or private school providing instruction in kindergarten through university level. They shall secure the CED in the trunk of their vehicle prior to entering the property.
- K. MAINTENANCE AND STORAGE OF CED
- Peace officers and authorized non-sworn uniformed department personnel assigned a CED shall be responsible for maintaining the CED's operational readiness. As such, peace officers and authorized non-sworn uniformed department personnel shall:
1. Perform a spark test on the CED prior to every shift.
 2. Store the CED and extra cartridges in the issued holster or case when not in use.



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3. Secure all CEDs in a locked, secured location (e.g., locker, desk drawer, etc.) when left unattended in a police facility.
4. Check the CED's battery strength in accordance with CED training to ensure adequate battery charge.
5. 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.
6. Ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the CED inaccessible to another person.