

## Conducted Electrical Weapon (CEW)

### 383.1 PURPOSE AND POLICY

When properly applied in accordance with this policy, the Conducted Electrical Weapon (CEW), also referred to as a "TASER", is considered a "less than lethal" control device intended to control a violent, or potentially violent, individual without causing serious injury. It is anticipated the appropriate use of such a device will result in fewer serious injuries to probation peace officers and suspects.

Probation peace officers, defined as Deputy Probation Officers, Supervising Probation Officers and Transportation Officers, who have completed training approved by the Yolo County Probation Department ("Department") may be authorized to carry a CEW under the conditions described in this policy.

Probation peace officers shall only use the CEW and cartridges that have been issued by the Department. The device shall be carried as a part of a probation peace officer's equipment in an approved holster.

- (a) The TASER® International Model X26P is the only Department authorized CEW device. Only Department authorized CEWs will be carried or otherwise used by probation peace officers when involved in a situation requiring the exercise of police powers and authority.
- (b) When the CEW is carried as part of a probation peace officer's equipment, the CEW shall not be carried on the same side as the officer's duty weapon and shall be accessible to an off-side draw.
- (c) All CEWs shall be clearly and distinctly marked to differentiate them from the probation peace officer's duty weapon or any other device.
- (d) Probation peace officers shall carry a minimum of two (2) CEW cartridges on their person at all times while carrying a CEW.
- (e) Probation peace officers shall be responsible for ensuring that their CEW is properly maintained and in good working order at all times.
- (f) Probation peace officers shall never hold both a firearm and the CEW at the same time unless lethal force is justified.

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### **383.2 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CEW shall precede its application, unless it would otherwise endanger the safety of officers or when it is impractical due to exigent circumstances. The purpose of the warning is to:

- (a) Provide the subject with a reasonable opportunity to comply voluntarily; and
- (b) Provide other officers and individuals with warning that a CEW may be deployed.

If, after a verbal warning, a subject continues to express an unwillingness to comply voluntarily with the probation peace officer's lawful orders and it appears both reasonable and practical under the circumstances, the probation peace officer 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. The aiming laser should never be intentionally directed into the eyes of another, as it may permanently impair his/her vision.

The fact a verbal or other warning was given or the reasons a warning was not given shall be documented by the officer deploying the CEW in any related reports.

### **383.3 DEFINITIONS**

The following terms and their definitions apply to the Conducted Electrical Weapon (CEW) policy:

- (a) Displayed - The CEW is withdrawn from the holster and visible to the subject.
- (b) Discharged - The CEW is withdrawn from the holster, cartridge removed from the CEW, and the electrical arcing is demonstrated to the subject in an attempt to gain compliance.
- (c) Used - The firing of the CEW air cartridge, whether or not the probes contact the subject's body or clothing, and/or the use of a "drive stun" to effect compliance.
- (d) Enforcement Situation - Any situation where a probation peace officer is taking enforcement action in the course and scope of his/her duties.
- (e) Accidental Discharge - The accidental firing of the CEW air cartridge whether or not the result of negligent handling.

### **383.4 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 is generally effective in controlling or subduing most individuals, probation peace officers should be aware the device may

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not achieve the intended results and be prepared to use other options. The CEW shall not be used to torture, psychologically torment, elicit statements from, or inflict undue pain on any individual.

Authorized probation peace officers may use the CEW when the circumstances, known to the individual officer at the time, indicate that the application of the CEW is reasonably necessary to subdue or control:

- (a) A violent or physically resisting subject.
- (b) A potentially violent or physically resistive subject if:
  - 1. The subject has verbally or physically demonstrated an intention to resist; and
  - 2. The probation peace officer has given the subject a verbal warning of the intended use of the CEW (unless it would otherwise endanger the safety of officers or when it is impractical due to exigent circumstances), followed by a reasonable opportunity to comply voluntarily; and
  - 3. Other available options are reasonably likely to be ineffective or would present a greater danger to the officer or subject.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CEW device to apprehend an individual.

The use of the CEW device on the following categories of individuals generally should be avoided unless the totality of the circumstances indicates that other available options are reasonably likely to be ineffective or would present a greater danger to the probation peace officer, the subject, or others, and the probation peace officer reasonably believes the need to control the individual outweighs the risk of using the device. These individuals include:

- 1. Females who are known to be pregnant.
- 2. Elderly individuals or obvious juveniles.
- 3. Individuals who are handcuffed or otherwise restrained.
- 4. Individuals who are visibly frail, infirm or have low body mass.
- 5. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including but not limited to, alcohol-based oleoresin capsicum (OC) spray.

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6. Individuals whose position or activity may result in significant collateral injury (e.g., falls from height, operation of a vehicle, location in or near water).

Since the application of the CEW in the “Drive Stun” mode (i.e., direct contact without probes) relies primarily on pain compliance and requires close proximity to the subject, the use of the Drive Stun mode generally should be limited to supplementing the probe-mode to complete the circuit or as a distraction technique to gain separation between probation peace officers and the subject, thereby giving officers time and distance to consider other force options and/or actions.

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 probation peace officer to limit the application of the CEW device probes to a precise target area, probation peace officers should monitor the condition of the subject if one or more probes strike the head, neck, chest or groin, until the subject is examined by paramedics or other medical personnel.

### 383.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

Probation peace officers should apply the CEW device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW device against a single individual are generally not recommended and should be avoided unless the probation peace officer reasonably believes the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW device appears ineffective in gaining control of an individual, the probation officer should consider certain factors before additional applications of the CEW device, including:

- (a) Whether the probes are making proper contact;
- (b) Whether the individual has the ability to comply and has been given a reasonable opportunity to comply; and
- (c) Whether verbal commands or other options or tactics may be more effective.

### 383.4.2 REPORT OF USE

All CEW discharges shall be documented in the related arrest/crime report and on the CEW report form. Accidental discharges of a CEW cartridge will be documented on the CEW report form. Any report documenting the discharge of a CEW will include the CEW's serial number, the cartridge serial number, and an explanation of the circumstances surrounding the discharge.

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The on-board CEW memory shall be downloaded through the dataport and saved with the related arrest/crime report. The used CEW cartridge and any AFIDS that are located shall be booked into evidence after use.

When practical, the probation peace officer planning to use the CEW shall make an announcement over the radio that the CEW is being deployed. The probation peace officer deploying the CEW shall ensure a CAD entry is made indicating the CEW was discharged or used, even if the incident does not require further documentation.

### 383.4.3 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, trained probation peace officers should remove CEW probes from a person's body. Used CEW probes shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

Persons against whom a CEW has been used who exhibit extreme agitation or violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain, or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

All persons who have been struck by the CEW probes or subjected to the electric discharge of the device shall be medically cleared prior to booking. Additionally, any individual in one or more of the following categories shall be examined as soon as practicable by paramedics or other qualified medical personnel:

- (a) Individuals suspected of being under the influence of controlled substances and/or alcohol.
- (b) Individuals who may be pregnant.
- (c) Individuals who appear to need medical attention.
- (d) Individuals struck by the CEW probes in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) Individuals who request medical treatment.

If any individual refuses medical attention, such refusal should be witnessed by another probation peace officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or of an interview with the individual, any refusal of medical attention should be included, if possible.

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The transporting probation officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the application of the CEW.

### **383.5 PROCEDURE FOR AUTHORIZATION TO CARRY A CEW**

A. Possession or use of CEWs by on-duty probation peace officers is strictly prohibited except under conditions provided for in this Chapter and with the express written approval of the Chief Probation Officer or authorized designee.

B. The Department will not order a probation peace officer to carry a CEW and may restrict duty assignments accordingly.

C. Probation peace officers authorized to carry a CEW are encouraged to carry it at all times while on-duty. In any event, armed personnel shall have their CEW and all authorized safety equipment readily available to them while on-duty.

#### **383.5.1 AUTHORIZATION TO CARRY A CEW ON-DUTY**

A. An authorization to carry a CEW shall be in writing and shall be signed by the Chief Probation Officer. No probation peace officer shall carry a CEW on his/her person at any time or have a CEW in his/her possession in the office or any other job location or in his/her vehicle without the prior written authorization of the Chief Probation Officer obtained pursuant to these policies and procedures.

B. The authorization to carry a CEW on-duty will contain all information required to complete the Arming Authorization form that is attached and considered a part of this policy.

C. The signed Arming Authorization form shall be kept in the probation peace officer's personnel file, with copies to the Departmental Training Officer and the Force Options Training instructors.

D. The authorization to carry a CEW shall be subject to periodic review by the Chief Probation Officer.

E. The Chief Probation Officer may approve or deny any request by a probation peace officer to be armed with a CEW on a case-by-case basis, subject to any terms and limitations deemed appropriate within the sole discretion of the Chief Probation Officer.

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F. The Chief Probation Officer may, at any time, for any reason without cause, suspend or revoke the authority of any probation peace officer to carry a CEW. The officer shall immediately be informed of the suspension or revocation and, if necessary, transferred to an assignment not requiring a CEW. A copy of the written revocation shall be delivered to the probation peace officer within five (5) working days, and a copy shall be placed in the officer's personnel file.

G. Any probation peace officer whose authority to carry a CEW is suspended or revoked shall surrender the CEW and related equipment immediately to a Force Options instructor.

H. Following the suspension of a probation peace officer's authority to carry a CEW, the Chief Probation Officer shall determine whether or not to revoke the authority.

#### **383.5.2 STOLEN OR LOST CEW**

A. A probation peace officer shall file a report with the appropriate law enforcement agency immediately upon discovering that his/her on-duty CEW is missing.

B. A probation peace officer also shall report a lost or stolen CEW to his/her supervisor immediately, who then will notify the Chief Probation Officer via the chain of command.

C. A probation peace officer will file a written report regarding the lost or stolen CEW with his/her supervisor by the end of the assigned shift. The written report shall be submitted to the Chief Probation Officer through the chain of command.

D. The probation peace officer may be required to reimburse the Department in the event that a Department-owned CEW and related equipment is lost through negligence of the probation peace officer pursuant to County policy. This requirement may be imposed in addition to any disciplinary action imposed by the Department for the officer's negligence.

E. Arrangements may be made for the temporary or permanent issuance of another CEW if the Chief Probation Officer authorizes such issuance.

#### **383.6 RESTRICTIONS ON CARRYING A CEW**

Probation peace officers who have been authorized to carry and use a CEW are prohibited from doing so under the following conditions:

1. While in a condition resulting from the use of alcohol and/or medication where the probation peace officer's motor skills, reflexes, vision, or judgment could be impaired. It is the probation

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peace officer's responsibility to notify his/her supervisor of any medication or substance he/she is taking that may cause such impairment.

2. While injured or in a physical condition causing inability to use a CEW effectively or properly; i.e., broken arm, eye injury causing impaired vision, etc.
3. While on leave for any reason, including disciplinary or administrative leave.
4. When the authorization to carry a CEW has been suspended or revoked.

### **383.7 REQUIRED TRAINING AND QUALIFICATION**

#### **A. Responsibility**

1. Any probation peace officer authorized or applying for authorization to carry a CEW must participate in all required departmental training and must meet all requirements set forth in these policies or otherwise required by the Department.

2. It shall be the responsibility of the Departmental Training Officer to ensure that a program of training which satisfies at least the minimum standards of training required by these policies is provided to probation peace officers authorized to carry CEWs.

3. It shall be the responsibility of every Probation Supervisor to ensure that each probation peace officer under his/her supervision who is authorized to carry a CEW complies with the training requirements of these policies, including any ongoing training and qualifications.

B. Required training shall include the probation peace officer's successful completion of an approved course on CEWs pursuant to Penal Code section 832, a course covering the Department's CEW policies, and such other training as set forth in these policies or otherwise required by the Department.

1. A probation peace officer must complete all training and qualification satisfactorily prior to being authorized to carry a CEW.



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2. The Force Options Training instructors shall monitor all legislative and policy changes relating to the use of CEWs by probation peace officers and shall provide necessary updated training in a timely manner.

3. The Force Options Training instructors shall maintain the training records of all probation peace officers authorized to carry CEWs and shall notify the Chief Probation Officer and the appropriate supervisor promptly when any probation peace officer is not in compliance with the Department's training requirements.

4. In addition to the training pursuant to Penal Code section 832, the CEW certification, and annual qualification, a probation peace officer authorized to carry a CEW shall have the following training:

a. CPR and First Aid certification.

b. A course on the departmental policies concerning the carrying of CEWs by probation peace officers.

c. Courses concerning the legal considerations for the carrying and use of CEWs, including:

(1) The laws governing arrests and searches incident to arrests;

(2) The laws of self-defense and the use of force by peace officers; and

(3) The civil liabilities of probation peace officers.

d. The ethical and moral considerations of the use of CEWs and deadly physical force.

e. A practical demonstration by the probation peace officers regarding:

(1) CEW safety;

(2) The care of a CEW;

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(3) CEW use proficiency; and

(4) CEW retention.

f. Self-defense options, including:

(1) Verbal commands;

(2) Defensive tactics;

(3) Chemical agents; and

(4) Firearms.

5. All of the above training shall be provided on a recurrent basis to maintain the probation peace officer's skills and knowledge, and to keep him/her current on any required certification.

6. The Department will not require probation peace officers undergoing CEW training to experience a CEW exposure; however, officers may volunteer for a CEW exposure subject to completing a form advising the officer of the risks involved.

C. Any probation peace officer authorized to carry and use a CEW must be certified as currently qualified to do so by the Force Options Training instructors.

1. The minimum qualifying score for each type of CEW shall be established by Taser International.

2. Probation peace officers shall comply with the Force Options Training instructor's policies and directions.

3. The Force Options Training instructors shall administer a CEW qualification program to ensure competency among all probation peace officers authorized to carry CEWs.

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4. Each probation peace officer authorized to carry a CEW shall qualify annually.
  
5. Any probation peace officer who fails to qualify shall have his/her authority to carry a CEW suspended. This suspension will remain in effect until the individual receives additional training and qualifies. Continued failure to qualify will result in revocation of the authority to carry a CEW.
  
6. Qualification shall take place during pre-announced training dates. Request for qualification outside of pre-announced training dates may be approved by the Force Options Training instructors and scheduled with the Force Options Training instructors.
  
7. The Force Options Training instructors shall prepare and submit an annual CEW qualification report to the Chief Probation Officer.
  
8. Any probation officer who has not carried a CEW as a part of his or her duty assignment for at least six months shall be re-certified by the Force Options Training instructors prior to carrying or using a CEW.
  
9. Inappropriate or criminal use of a CEW may be grounds for discipline, up to and including termination from employment.

### **383.8 MAINTENANCE OF CEWS**

- A. Each CEW shall have its firing data downloaded and internal clock synchronized monthly by the designated Force Options Training instructor.
  
- B. All maintenance of any issued CEW shall be brought to the immediate attention of the designated Force Options Training instructor.