

# Conducted Electrical Weapon

## 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of CEWs.

## 304.2 POLICY

The Conducted Electrical Weapon (CEW) is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

## 304.3 ISSUANCE AND CARRYING CEWS

Only members who have successfully completed department-approved training may be issued and may carry the CEW.

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CEW and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CEW shall wear the device in an approved holster

Officers who carry the CEW while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code §13660).

- (a) All CEWs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CEW.
- (c) Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the CEW at the same time.

### 304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

## 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

# Garden Grove Police Department

## Policy Manual

### *Conducted Electrical Weapon*

---

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CEW. The laser should not be intentionally directed into anyone's eyes.

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

#### **304.5 USE OF THE CEW**

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely deploy the device within its operational range. Although the CEW may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CEW may be considered for officer safety.

##### **304.5.1 APPLICATION OF THE CEW**

The CEW may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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 others.

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

The CEW shall not be used to psychologically torment, to elicit statements, or to punish any individual.

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

# Garden Grove Police Department

## Policy Manual

### *Conducted Electrical Weapon*

---

- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, operating vehicles).
- (g) Individuals who are at risk for arrest-related death (i.e. known long-term drug use, mental illness, drug influence).
- (h) Individuals known to have seizure disorders.
- (i) Individuals who are running, in motion, or moving under momentum.
- (j) Individuals who are operating or riding in a mode of transportation (i.e., vehicle, bus, skateboard, bike, escalator).
- (k) Individuals who are positioned so the optimum target area is not available or there is a high likelihood the intended target area will be missed.
- (l) Individuals who are not in a location where he/she can be immediately taken into custody by the officers available, or there are insufficient backup officers present to effect the arrest.
- (m) Individuals located in water.

Any CEW capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center 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 individuals should be closely monitored until examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CEW

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

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

- (a) Whether the probes are making proper contact.

# Garden Grove Police Department

## Policy Manual

### *Conducted Electrical Weapon*

---

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

Officers should generally not intentionally apply more than one CEW at a time against a single subject.

#### **304.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, officers shall notify a supervisor any time the CEW has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Photographs shall be taken of CEW and less-lethal weapon related injuries. CEW probes that came into contact with only the suspect's clothing and did not yield a puncture to the skin below shall be booked as evidence. Photographs shall be taken of the clothing and uninjured skin underneath the clothing.

Proper handling of the CEW probes is essential to avoid exposure to injury or the transmission of blood borne pathogens.

#### **304.5.6 DANGEROUS ANIMALS**

The CEW may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

#### **304.5.7 OFF-DUTY CONSIDERATIONS**

Officers are not authorized to carry department CEWs while off-duty.

Officers shall ensure that CEWs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

### **304.6 DOCUMENTATION**

Officers shall document all CEW discharges in the related arrest/crime report and/or memo. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the respective report and/or memo. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

#### **304.6.1 REPORTS**

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEWs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject

## *Conducted Electrical Weapon*

---

- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### **304.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

Once the subject is in custody, the arresting officer shall notify an on-duty supervisor as soon as possible of the CEW deployment and summon paramedics to the scene and advise paramedics and the Emergency Room staff that the person has been subjected to the CEW. If the probes penetrate the skin, the puncture sites shall be brought to the attention of the on-duty supervisor, Paramedics and Emergency Room Staff. Only Emergency Room Staff should remove CEW probes that are embedded in the skin of the suspect. All subjects exposed to a CEW deployment must be cleared by emergency room personnel as soon as possible and prior to release from police custody. After examining the affected person, the Paramedics shall arrange for transportation of the suspect to the hospital via an ambulance (see the Medical Aid and Response Policy).

## *Conducted Electrical Weapon*

---

### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CEW. Photographs of probe sites should be taken and witnesses interviewed.

### **304.9 TRAINING**

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall be recertified by a department-approved CEW instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for CEWs will be documented in the officer's training files.

Command staff, supervisors and investigators should receive CEW training as appropriate for the investigations they conduct and review.

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Manager is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training.

Application of CEWs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and genitals.
- (e) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.

# Garden Grove Police Department

## Policy Manual

### *Conducted Electrical Weapon*

---

- (h) Proper use of cover and concealment during deployment of the CEW for purposes of officer safety.
- (i) Proper tactics and techniques related to multiple applications of CEWs.