

Conducted Energy Device (CED) - Taser X26

312.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Conducted Energy Device (CED) is a control device which provides an "intermediate" or "medium" amount of force and is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to Members and subjects.

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

312.2 AUTHORIZED CONDUCTED ENERGY DEVICE (CED)

Taser X26 is manufactured by Axon Enterprises, Inc.

312.3 POLICY

1. Members who have completed Department approved training may be issued an CED for use at the beginning of their shift or during their current assignment. Members shall be expected to return their issued device to the Department's inventory at the conclusion of their shift, unless the CED is assigned to the individual or when leaving a particular assignment.
2. Members shall only use the CED and cartridges that have been issued by the Department. The device should be carried as a part of a uniformed Member's equipment in an approved holster. Non-uniformed Members may carry the CED in an approved holster or the device may be stored in the driver's compartment of the Member's county vehicle so that it is readily accessible at all times.
3. When the CED is carried as a part of a uniformed Member's equipment, it shall be carried on the side opposite from the duty weapon in a holster or a pouch attached to the Member's external carrier. The holster or pouch shall have a minimum of one level retention.
4. Whenever practical, Members should carry a total of two or more CED cartridges on their person at all times while carrying an CED. Members shall verify the expiration date of each cartridge prior to the start of their shift. Expired cartridges should be taken out of service and replaced immediately.
5. Members shall be responsible for ensuring that their issued CED is properly functioning prior to starting their shift.

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6. Each CED's data shall be downloaded and stored on a Department computer network file (\\hosta\taserupload) a minimum of every 180 days.
7. Members are highly discouraged from holding an CED and a firearm at the same time due to the risk of unintentionally applying deadly force.
8. Members should not target the head, neck, hands, genital, or chest areas.
9. All Commands shall maintain an CED Log documenting the Member's name, PIN number, CED number and cartridge number(s) issued to the Member for each shift. Each Command shall retain the CED Log for two (2) years.
10. Utilization of an CED in any manner (horseplay or other behavior) not authorized by this policy or the Department Policy Manual (Lexipol) is strictly prohibited.

312.4 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 an 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, display the electrical arc (provided there is not a cartridge loaded into the CED) 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

312.5 USE OF THE CONDUCTED ENERGY DEVICE

As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. Although the CED rarely fails and is generally effective in subduing most individuals, 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) An imminent likelihood of violent or physical aggression, as indicated beyond mere agitation or non-compliance.

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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 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 section 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. 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 and Members should be aware the controlling effects may be limited. For Department Member's safety and the safety of the subject, Drive Stun mode should only be used when there is no alternative to using the CED from a safe distance with the cartridge engaged.
6. 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.

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- (h) To arouse an unconscious, intoxicated, or impaired individual.

312.5.1 MULTIPLE APPLICATIONS OF THE DEVICE

1. If, after a five second 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 or darts 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 five second 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

312.5.2 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. All CED discharges shall be reported and documented pursuant to the guidelines articulated in the Policy 300 Use of Force.
3. Additionally, all CED discharges shall be documented in the related incident and/or crime report. Members reporting an CED discharge shall document in writing the facts and circumstances surrounding the incident that led the Member to decide to use an CED. Members should carefully and thoroughly articulate the observations made that caused them to deploy an CED. The related reports shall include whether a verbal and/or other warning was given prior to deploying an CED, or if no warnings were given, the report shall include the reason(s) it was not given.
4. 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.
5. Any unexpected discharge of an CED cartridge 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.

312.5.3 COLLECTING DARTS AS EVIDENCE

After all CED discharges, the darts 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 darts. All items collected shall be placed into Sheriff's property as evidence. This shall be notated on any subsequent reports. Darts and wires used as part of the initial Departmental CED certification training and subsequent recertification training or unexpected discharges are exempt unless injury results.

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312.5.4 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.

312.6 MEDICAL TREATMENT

1. Any person who has been subjected to the electrical discharge of an CED (either drive-stun or probe deployment), and/or struck by CED darts, 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 an 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.
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 darts 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 an 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.

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312.7 SUPERVISOR RESPONSIBILITIES

Following a use of force, the supervisor shall ensure the CED data is downloaded and booked into evidence by the end of shift. A scanned copy of the downloaded CED data shall be attached to the use of force analysis in CRM.

Refer to Policy 300.9 Use of Force – Supervisor Responsibility.

312.8 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 an 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.

312.9 STORAGE

All CEDs not carried by Members shall be secured in a storage room, storage cabinet, or locked in a locker/security box.

312.10 INVENTORY

All CEDs from all Commands 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 bi-annual download shall serve as inventory and accountability for each device. The records shall be kept on file for two (2) years.