

# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

The Conducted Energy Device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

## 309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and carry the CED. The Department currently issues the following model: Taser 7.

Prior to issuance, all CEDs will be inspected and reviewed by a qualified CED instructor to ensure operational readiness. Any CED that does not pass the inspection and review will not be issued.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED in a support-side holster on the side opposite the duty weapon. No portion of the CED shall cross the mid-line of the officers belt when it is holstered.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
- (c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CED at the same time unless lethal force is authorized.
- (e) Officers who locate a broken cartridge or have an unintentional discharge shall forward the cartridge to the Department's Equipment Police Administrative Specialist (PAS).
- (f) When an assigned CED is damaged or inoperable, the officer shall immediately notify his/her supervisor and document the specific damage or in operability issue in a memo sent via the chain of command to the Support Services Deputy Chief or his/her designee. The notified supervisor shall try to have a spare CED assigned to the officer during that shift. The supervisor shall document the damaged CED's serial number and the assigned officer's name and badge number in an email to the Department's Equipment PAS for replacement.

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- (g) Lieutenants will not be required to carry the Taser.

### **309.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CED 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:

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

If, after a verbal warning, an individual is unwilling 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, display the electrical arc, or the 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 as it may permanently impair his/her vision.

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

### **309.5 USE OF THE CED**

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

#### **309.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is combative.
- (b) The subject has demonstrated, by words or action, an intention to be violent or combative, and reasonably appears to present the potential to harm officers, him/herself or others.
- (c) The subject refuses to comply with verbal orders without any physical resistance or demonstrated intention to physically resist, but is believed to be armed.

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

#### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED 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 risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) 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 alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, 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 officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

#### 309.5.3 TARGETING CONSIDERATIONS

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 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.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED 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. Every activation of the CED is a separate use of force that must be objectively reasonable and justified. When the probes are in contact or when the CED is in contact in drive stun mode, no more than three activations should be administered on the same individual.

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

- (a) Whether the probes are making proper contact.
- (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 CED at a time against a single subject.

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#### 309.5.5 ACTIONS FOLLOWING ACTIVATIONS

Officers shall notify a supervisor of all CED activations. The cartridge serial number should be noted and documented in a police report.

#### 309.5.6 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 alternative methods are not reasonably available or would likely be ineffective.

### **309.6 DOCUMENTATION**

Officers shall document all CED verbal warnings, deployments and activations in a related arrest/incident report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Officers shall ensure photographs are taken of any injuries incurred by the subject or officer as a result of the incident. Officers should ensure photographs are taken of the drive stun location and/or probe impact location, which should include photographs before and after removal of the probes. Supplemental reports shall be completed by personnel who are present during any CED activation.

#### 309.6.1 REPORTS

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

- (a) Whether any display, laser or arc deterred a subject and gained compliance
- b. Number of officers on scene
- c. Identification of all personnel firing CEDs
- d. The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications
- e. The type and brand of CED and cartridge and cartridge serial number
- f. The type of mode used (probe or drive-stun)
- g. Location of any probe impact (if applicable)
- h. Description of where missed probes went (if applicable)
- i. Location of contact in drive-stun mode (if applicable)
- j. Whether the subject sustained any injuries
- k. Medical care provided to the subject, which includes the name of individuals who provided medical care and the name of the individual(s) who removed the probes
- l. Observations of the subject's physical and physiological actions
- m. Any known or suspected drug use, intoxication or other medical problems

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n. Name of the person receiving custody of the subject at the jail and that the person was advised of application of the CED

o. Identification of all witnesses

#### **309.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED 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 CED probes or who have been subjected to the electric discharge of the device 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 CED 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 CED.

#### **309.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the CED. The supervisor should arrange for the device's onboard memory to be downloaded through the data port by a CED armorer and saved to evidence.com. CEDs should not be taken out of service after an activation unless directed by a command-level officer. Photographs of probe sites should be taken and witnesses interviewed.

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A negligent or unintentional activation of a TASER cartridge shall be immediately reported to a supervisor. The incident is not considered a use of force. The employee shall document the circumstances in a memo, via the chain of command to the Division Deputy Chief to which the employee reports. This memo will include the TASER and cartridge serial numbers and an explanation of the circumstances surrounding the activations. The employee responsible for negligent or unintentional discharges may be subject to progressive discipline. Negligent or unintentional activations may be included in the Department's Early Warning System.

#### **309.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training.

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

The Personnel and Training Lieutenant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Personnel and Training Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support-hand draws 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 near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.