

I. POLICY

The purpose of this policy is to establish guidelines for proper deployment and activation of Conducted Energy Devices (CED) and the supervisory response which shall be taken thereafter.

- A. **LESS-LETHAL ALTERNATIVES.** It is the policy of the San Francisco Police Department (SFPD) to equip members with less-lethal alternatives, such as a CED, to resolve encounters with subjects who are actively resisting, assaultive, or exhibiting any action likely to result in serious bodily injury or death of another person, themselves or the member.
- B. **TRAINING.** Only members who have successfully completed the Department's Use of Force policy update and the Crisis Intervention Team (CIT) Field Tactics training and all other required Department-approved CED training are authorized to carry CEDs.
- C. **REPORTING AND REVIEW.** The SFPD will thoroughly investigate and accurately document all facts and information when a member of the SFPD **activates** a CED, intentionally or unintentionally.
- D. **USE OF FORCE POLICY.** The activation of a CED by a member in the performance of his/her duties is considered a use of force, and must therefore conform to the methods, tactics, policies and procedures adopted by the SFPD. (See DGO 5.01, *Use of Force*).
- E. **DE-ESCALATION.** The use of a CED is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of **force**.
- F. **RE-EVALUATION.** When activating the CED, the member should only use it for one standard cycle (five seconds), then stop, evaluate the effectiveness and determine if the subject can be restrained without additional use of **force**.

II. DEFINITIONS

- A. **ACTIVATION.** Depressing the trigger of the CED causing the firing of probes or placing the CED on a subject in the drive stun mode.
- B. **ACTIVE RESISTANCE.** Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
- C. **ASSUALTIVE.** Aggressive or **combative**; attempting to assault the officer or another person, **verbally** or physically displays an intention to assault the officer or another person.
- D. **COMPLIANT.** Subject offers no resistance.

Comment [AA1]: I would recommend that we have this occur for activation or deployment of device

Comment [AA2]: I would recommend placing this point under "Training" so that it highlights the importance of this technique

Comment [AA3]: I would recommend calling out the maximum cycles that can be utilized

Comment [AA4]: Not sure if this is needed, but if we need to identify that this should be physically assaultive or combative

Comment [AA5]: May want to consider taking verbal out as the goal is to have time and distance when there is not a physical display of intention

- E. CONFETTI TAGS. Tags that provide accountability for each deployment of a CED cartridge via the dispersal of minute coded tags specific to that cartridge.
- F. CONDUCTED ENERGY DEVICE (CED). A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.
- G. DEPLOYMENT. Removal of the CED from the holster and pointing it at a subject.
- H. DISPLAYING THE ARC. A compliance function of the CED. This method involves displaying the electrical current to a subject by first removing the cartridge and then depressing the trigger.
- I. DRIVE STUN. Activating the CED with the cartridge removed or discharged, and placing the electrodes upon the skin/clothing of the subject.
- J. LIFE THREATENING. Any action likely to result in serious bodily injury or death to the officer or another person.
- K. PASSIVE NON-COMPLAINECE. Does not respond to verbal commands but also offer no physical form of resistance.
- L. PROBE DISCHARGE. When the trigger is depressed on the CED, the probes are discharged from the cartridge which can penetrate a subject's clothing or skin, simultaneously discharging an electric current.
- M. SPARK TEST. This test assists an officer in determining the functionality and the battery life of the CED.

III. PROCEDURES

- A. ISSUANCE AND CARRYING CEDS. Officers shall only use Department-issued CEDs and cartridges. Officers who have been issued the CED shall wear the device in a Department-approved holster and carry the CED in a weak-side holster on the side opposite their duty weapon.

The Department will ensure that Automated External Defibrillators (AED) are readily available in Department vehicles in all police districts.

- B. INSPECTION. Officers carrying the CED shall perform an inspection of the CED at the beginning of every shift and:
 1. Perform a daily spark test on the CED at the officer's station or unit before leaving the facility;
 2. Ensure the CED is clearly and distinctly marked to differentiate it from the duty weapon and any other device;

Comment [AA6]: I would suggest stronger language here that officers carrying a CED must be trained in use of AED and must be in a car that is equipped with the device.

In order to carry AED's SFPD will need to register with DEM and there will need to be an SFPD program manager who is responsible for training officers on the AED and doing monthly checks on the devices. I think there would also need to be a separate policy on this.

3. Whenever practical, officers should carry two or more cartridges on their person when carrying the CED;
4. Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order. If an officer discovers that the CED is damaged or inoperable, the officer shall cease its use and promptly notify his/her supervisor and document the specific damage or inoperability issue in a memorandum. The supervisor shall facilitate a replacement CED as soon as practical;
5. Officers shall not alter the CED from the original factory specifications and markings;
6. Due to the flammable contents in some chemical agent containers, officers shall only carry Department-issued Oleoresin Capsicum (OC) which is non-flammable (water based and will not ignite).

C. VERBAL AND VISUAL WARNINGS. When reasonable, unless it would otherwise endanger the safety of the officer or others, prior to activation of the CED, the officer shall loudly announce that the CED is going to be activated. The purpose of the warning is to:

1. Provide the individual with a reasonable opportunity to voluntarily comply, and
2. Provide other members and other bystanders with a warning that the CED may be activated. The fact that a verbal or other warning was given or the reason it was not given shall be documented by the member activating the CED in the related report.

D. STANDARD CYCLE AND ASSESSMENT. When activating the CED, the officer should only use it for one standard cycle (five seconds), then stop and evaluate the situation. Members must be able to articulate the facts and circumstances that justified each cycle of the CED. Officers shall use the minimum number of cycles necessary to place the person into custody, and in any event, unless lethal force is justified, shall not employ more than three cycles or 15 total seconds of a CED against a subject during a single incident.

In an attempt to minimize the number of CED activations needed for a person's compliance, officers should verbally direct the subject to comply with the officer's commands. Such verbal commands may include, "drop the weapon," "put your hands behind your back," etc. Multiple applications of the CED cannot be justified solely on the grounds that a person failed to comply with a command, absent other considerations such as a weapon in close proximity or the individual posing an immediate threat of physical injury to themselves or others.

If the first application of the CED appears to be ineffective in gaining control of a subject, the officer shall evaluate the situation and consider certain factors before additional applications of the CED:

1. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications;
2. Whether the probes are making proper contact;

Comment [AA7]: Perhaps we should explicitly state that this should be done on camera and only when other tools in the use of force policy have not been effective/are not indicated

Comment [AA8]: I would recommend a call out that this cycles/maximum are for any form of use (drive stun, probe)

3. Whether the individual has the ability and has been given a reasonable opportunity to comply;
and
 4. Whether verbal commands, other options or tactics may be more effective.
- E. **DEPLOYMENT METHODS.** The following are the deployment methods for the CED:
1. **Probe Deployment.** The preferred method of CED deployment is a probe deployment. Deploying the CED with the cartridge attached allows two probes to deploy and penetrate the skin/clothing of a subject.
 2. **Drive Stun Deployment.** Members may use the CED in drive stun mode to supplement the probe deployment to complete the incapacitation circuit, or as a countermeasure to gain separation between members and the subject so that members can consider other force options. Members shall not use the CED in drive stun mode solely as a pain compliance technique. When using the CED in drive stun mode, members shall wait a reasonable amount of time between applications to assess effectiveness.
 3. **Displaying the arc or deploying the CED.** This type of display may be all that is necessary to de-escalate a volatile situation. A subject may become compliant once faced with the realization that a CED may be used on him or her. This CED technique may be achieved either by pointing a CED or displaying the arc at the subject. However, displaying the arc shall not be used in circumstances where actual use would not be justified (e.g., where the subject is exhibiting compliance or passive non-compliance, and other circumstances described in this policy).
- F. **TARGET AREAS.** Officers should make reasonable efforts to target lower center mass and avoid the head, neck, chest and groin, unless deadly force is justified. If the dynamics of a situation or officer safety does not permit the officer to limit the application of the CED probes or drive stun mode to a precise target area, officers shall monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by emergency medical personnel.
- G. **AUTHORIZED USE OF THE CED.** Officers shall determine the reasonableness of CED use based upon totality of the circumstances, including but not limited to, the subject's level of resistance; the subject's apparent age and size; and the feasibility of lesser force options. Officers shall use the minimum amount of CED activations or cycles necessary to accomplish a lawful objective.

An officer may activate the CED when a subject is:

1. Armed with a weapon other than a firearm, such as an edged weapon or blunt object, and the subject poses an imminent threat to the safety of the public, him/herself or officers; or
2. Actively resisting the officer; or
3. Assaulting the officer or another person; attempting to assault the officer or another person; or verbally or physically displays an intention to assault the officer or another person; or
4. Exhibiting actions likely to result in serious bodily injury or death to the public, him/herself or the officer.

H. RESTRICTIONS ON CED USE.

1. Except where deadly force would be permitted, an officer shall not use a CED:
 - a. if the subject is obviously pregnant;
 - b. if the subject is apparently over the age of 65;
 - c. if the subject is visibly frail or has a low body mass;
 - d. if the subject is apparently under the age of 13;
 - e. if the subject is in physical control of a vehicle in motion;
 - f. if the subject is in danger of falling from a significant height;
 - g. when the officer has credible information that the subject suffers from a medical condition (e.g., heart condition) or behavioral health condition.
 - h. if the subject has recently been exposed to a flammable chemical agent or is otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based OC spray. Department-issued OC spray is not flammable.
 - i. more than three cycles or 15 total seconds of a CED against a subject during a single incident.
2. CEDs will not be used on handcuffed or restrained persons unless the subject is displaying an overtly assaultive or violently resistive behavior and lesser means have been tried and failed or would be ineffective.

Comment [AA9]: I appreciate the language in g, but because of the potential risks associated with CED I would recommend language to say that if an individual is observably homeless, in acute psychiatric distress, or under the influence than CED should not be used.

I. PROHIBITED USE. Officers are prohibited from using the CED:

1. to prevent a subject from destroying evidence, such as placing evidence in his/her mouth;
2. to intimidate by reckless display;
3. if the suspect is fleeing and does not pose an imminent threat of physical harm to the public or officers. Flight will never be the sole reason for applying a CED on a subject;
4. on a subject who is compliant or who displays only passive non-compliance;
5. as a prod or escort device;
6. to rouse unconscious, impaired or intoxicated subjects; or
7. if the CED is or has been submerged in water or other liquid.

J. OFFICER REQUIREMENTS AFTER ACTIVATIONS. As soon as feasible following a CED activation, officers shall:

1. contact the Department of Emergency Management (DEM) and request emergency medical personnel respond to the scene of the CED activation;
2. notify a supervisor of all CED activations, including all unintentional activations and drive stun activations;
3. collect confetti tags and book into evidence;
4. collect expended cartridge(s), along with probes and wires, and book into evidence. The cartridge serial number shall be listed on the evidence envelope. Officers shall mark the evidence envelope "Biohazard" if the probes penetrated the subject's skin.

Members shall document the reasons for any deviation from this evidence collection protocol in the incident report.

- K. **DUTY TO RENDER FIRST AID.** Officers shall render first aid when a subject is injured or claims to be injured by an officer's use of force unless first aid is declined, the scene is unsafe, or emergency medical personnel are available to render first aid. Officers shall continue to render first aid and monitor the subject until relieved by emergency medical personnel.

Only appropriate emergency medical personnel should remove CED probes from a person's body. Officers shall treat used CED probes as biohazard sharp objects, such as a used hypodermic needle, and shall use universal precautions when handling used CED probes.

- L. **DUTY TO PROVIDE MEDICAL ASSESSMENT.** Officers shall arrange for a medical assessment and removal of CED probes from a person's body by emergency medical personnel. Members shall advise emergency medical personnel that a CED was used on the subject and advise emergency medical personnel if the subject loses consciousness, appears to exhibit signs of a serious medical condition, sustains a secondary injury (e.g., as the result of a fall), and/or is shocked in sensitive areas (e.g., face, eyes, neck, breast and groin). Members should give the approximate time of the CED use on the subject to emergency medical personnel.

- M. **DUTY TO PROVIDE MEDICAL EVALUATION.** All subjects who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be transported by emergency medical personnel for evaluation at a local medical facility as soon as practical. If emergency medical personnel do not transport the subject, officers shall transport the subject to a local medical facility.

If a subject refuses medical evaluation, the refusal shall be directed to the on-scene emergency medical personnel and not to the officer. Officers shall document a subject's refusal in the incident report by listing the name and identification number of the emergency medical personnel who obtained the refusal from the subject. The officer shall inform any person providing medical care and the personnel receiving custody of the subject that he or she has been subjected to the deployment of the CED.

- N. **BOOKING OF SUSPECT.** Anyone who has been struck by CED probes or who has been subjected to the electric discharge of the device shall not be detained at a district station holding facility. Officers shall immediately book the arrested subject into the county jail upon release from the medical facility. Officers shall note the use of the CED on the field arrest card on any subject who has been struck by CED probes or who has been subjected to the electric discharge of the device.

- O. **DOCUMENTATION REQUIREMENTS.** Officers shall document all CED deployments and activations, including all unintentional activations; drive stun activations; and displaying the arc in the CED in an incident report, supplemental incident report or a written statement. Officers shall include the following information in the incident report or written statement:

1. Date, time and location of the incident;

Comment [AA10]: We should also look at the potential impact on EMS (Additional calls) and need for additional units. We should also call out of the hospital or EMS will take out the barbs as this has policy/training implications for them as well.

I also think we should note that the length of evaluation will be determined by a medical professional

Comment [AA11]: Medical evaluation by paramedics should look at if someone has the capacity to refuse medical treatment.

Comment [AA12]: I would also add language that if an individual is transported to the jail after a medical evaluation that medical and deputized staff there need to be verbally notified of the use of CED for monitoring (not just having it noted on the field arrest card). We would also need to work with SFSD and Jail Medical to develop a policy on this.

2. The subject's actions necessitating the use of the CED, including any weapon displayed by the subject;
3. Subject's known or suspected drug use, intoxication and other medical problems;
4. De-escalation techniques used by the officer(s);
5. Whether the officer used other force options;
6. The type and brand of CED and cartridge serial number;
7. Whether any deployment or displaying the arc deterred a subject and gained compliance;
8. The number of CED activations;
9. The distance at which the CED was used;
10. Location of any probe impact;
11. Description of where missed probes went;
12. Information about the medical care provided the subject;
13. Whether the subject sustained any injuries;
14. Whether any officers sustained any injuries;
15. Identification of all officers activating CEDs;
16. Identification of all witnesses; and
17. All supervisory notifications required by DGO 5.01, Use of Force.

Officers at the Police Academy Physical Techniques and Defensive Tactics staff shall analyze all incident reports involving CED use, upon receipt, to identify trends, including deterrence and effectiveness.

~~P.~~ P. SUPERVISOR RESPONSIBILITIES. When a CED has been activated, a supervisor shall follow the protocol outlined in DGO 5.01, Section VII, Section B. 2. In addition, supervisors shall:

1. Confirm that any probes that have pierced the subject's skin are removed by medical personnel;
2. Ensure that photographs of probe sites are taken;
3. Ensure that the subject is medically evaluated prior to being booked into any facility;
4. Ensure that the CED's memory record has been uploaded; and
5. Provide replacement CED cartridges to the officer, as necessary.

~~Q.~~ Q. OFF-DUTY CONSIDERATIONS. Officers are not authorized to carry or use Department-issued CEDs while off-duty. Officers shall ensure that CEDs are secured in a manner that will keep the device inaccessible to others.

~~R.~~ R. TRAINING. Any officer who has not carried the CED as a part of his or her assignment for a period of six months or more shall be recertified by a Department-approved CED instructor before carrying or using the device.

Proficiency training for officers who have been issued CEDs shall occur annually. A reassessment of an officer's knowledge or practical skill may be required at any time if deemed appropriate by the Department-approved CED instructors. All training and proficiency for CEDs will be documented in the officer's training file.

Comment [AA13]: Again, I would recommend deployed or activated and update the below

Commissioned Officers have the option to carry a CED. Officers who supervise or conduct Use of Force evaluations involving CEDs shall receive the Department-approved CED training regardless of whether they carry a CED.

The Commanding Officer of the Training Division is responsible for ensuring that all officers who carry CEDs have received initial and annual proficiency training. Application of CEDs during training shall not be mandatory for certification.

The Commanding Officer of the Training Division shall ensure that all training includes:

1. A review of this Department General Order;
2. A review of DGO 5.01;
3. A review of DGO 5.21;
4. Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing, pointing and firing a firearm;
5. Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin;
6. Handcuffing a subject during the application of the CED and transitioning to other force options;
7. Scenario-based training;
8. CIT updates;
9. De-escalation techniques; and
10. Restraint techniques that do not impair respiration following the application of the CED.