

Conducted Energy Device Policy Comparison

	SFPD	Seattle PD	Baltimore PD	IACP	San Jose PD	Albuquerque PD	Las Vegas PD	Minneapolis PD	Police Executive Research Forum	Oakland PD	Houston	UCSFPD	Memphis PD	Richmond PD	SF Sheriff's Dept.
Nomenclature	CED	CEW	CEW	ECW	Taser	ECD	ECD	CED	ECW	ECW	CED	ECD	CEW	ECD	CED
	Conducted Energy Device	Conducted Electrical Weapon	Conducted Electrical Weapon	Electronic Control Weapon		Electronic Control Device	Electronic Control Device	Conducted Energy Device	Electronic Control Weapon	Electronic Control Weapon	Conducted Energy Device	Electronic Control Device	Conducted Electrical Weapon	Electronic Control Device	Conducted Energy Device

Definitions

Active Resistance	Evasive; Bracing, tensing, verbal/physical signals signaling intention to avoid or prevent being taken into custody or retained in custody	Degree of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.	Between passive resistance and active aggression: Bracing and Tensing does not constitute Active Resistance	Cause reasonable officer to believe subj. will resist arrest or detention by force, violent, threatening, or potentially violent behavior, physically resisting arrest, flight in order to avoid arrest /detention if officer would pursue on foot to arrest.	Not defined	Objectively reasonable standard based on the totality of the circumstances outlined in <i>Graham vs. Connor</i> . Objectives where force may be used: Lawful arrest or detention, gain control of a combative, prevent and /or terminate the commission of a crime, intervene in a suicide, defense of self or others.	Verbal or physical actions intended to prevent control and/ or arrest, but are not directed at harming the officer: walking or running away, breaking the officer's grip	Engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers.	Not defined	Allowed to use objectively reasonable force based on a totality of circumstances as analyzed under the 4th Amendment to affect a lawful police purpose to control dangerous and violent subjects. Note: OPD's General Order (K3) Use of Force does not contain definitions nor prohibitions for using ECWs.	Evasive movement to defeat control, includes bracing and tensing in an aggressive manner, pushing, or verbally signaling a clear & deliberate attempt to avoid or prevent being taken into or retained in custody.	Evasive movement to defeat control, includes bracing and tensing in an aggressive manner, pushing, or verbally signaling a clear & deliberate attempt to avoid or prevent being taken into or retained in custody.	Not defined	Not defined	Not defined
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Active Aggression	Not defined		Attempting to or attacking officer or other (e.g. lunging fighting stance, punching).		Not defined	Objectively reasonable standard based on the totality of the circumstances outlined in Graham vs. Connor. Objectives where force may be used: Lawful arrest or detention, gain control of a combative, prevent and /or terminate the commission of a crime, intervene in a suicide, defense of self or others.	<u>Aggressive Resistance:</u> Intent to harm the officer, themselves or another person. Prevent officer from controlling or taking into custody: fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to officer or another.	Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. Active aggression is presenting behaviors that reasonably indicate an assault or injury to any person is likely to occur.	Not defined	Allowed to use objectively reasonable force based on a totality of circumstances as analyzed under the 4th Amendment to affect a lawful police purpose to control dangerous and violent subjects. Note: OPD's General Order (K3) Use of Force does not contain definitions nor prohibitions for using ECWs.	A threat or overt act of assault (through physical or verbal means) coupled with present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.	A threat or overt act of assault (through physical or verbal means) coupled with present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.	Not defined	Not defined	Not defined

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Aggravated Aggression	Not defined		Subject's actions create perception that the officer or another person is subject to imminent death or SBI.	Not defined			<u>Aggravated Aggressive Resistance:</u> Subject's actions are likely to result in death or SBI to officer, themselves or another. May include a firearm, blunt or bladed weapon, and extreme physical force.	Not defined		Allowed to use objectively reasonable force based on a totality of circumstances as analyzed under the 4th Amendment to affect a lawful police purpose to control dangerous and violent subjects. Note: OPD's General Order (K3) Use of Force does not contain definitions nor prohibitions for using ECWs.		Not defined	Not defined	Not defined	Not defined

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Passive Non-Complaint	No response to verbal but no physical resistance.		No response to verbal but no physical resistance.	Not defined		Not defined	<u>Passive Resistance:</u> Not complying with commands/uncoperative, but taking only minimal physical action to prevent being taken into custody: e.g.: falling limp, no moving, standing stationary, locking arms to another during protest.	Response to police efforts to bring a person into custody or control for detainment or arrest. Subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer's control efforts.			Passive Resistance: Physical actions or lack of that do not prevent officer's attempts to control. E.g., going limp, stiff, or prone position, refused to comply, sit-ins, locks arms in chains.	Passive Resistance: Physical actions or lack of that do not prevent officer's attempts to control. Sitting, standing, limp or prone with no physical contact.	Not defined	Not defined	Not defined
Compliant	Subject offers no resistance.	Not Addressed					Person who acknowledges direction and lawful order given.	Not Addressed			Not defined				
Juvenile Definition	Apparently under 13	Apparently pre-adolescent	Apparently a Child	Reasonably appears to be a child	Very Young Persons	Small Children.	Extremes of age	Young children	Young children	Not addressed	Young children	Obvious juveniles.	Children	Not mentioned	Not mentioned.

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Authorized, Restricted and Prohibited Uses																
Active Resistance					Totality of the Circumstances	Totality of the Circumstances			Only used against subjects actively resisting in a manner that, in the officer's judgment, is likely to result in injury to themselves or another.							
Assaultive			N/A													Not Addressed
Active Aggression	N/A															
Aggravated Aggression	N/A															
Passive Non-Complaint		Not Addressed			In general, Taser should not be used on subjects exhibiting only passive noncompliance. This is not defined in their policy.	Not Addressed			Should not be used.		Should not unless exigent circumstances.					
													a. Present a risk of harm to officers; b. Are physically resisting; c. Present a risk of harm to others; or d. Present a risk of harm to themselves.	Taser use in the field is based on imminent danger and/ or safety concerns for self or others. Any other situation that could necessitate the lawful force option in order to gain control of a physically resistive / combative subject.		

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Self-destructive (suicidal)									Not addressed					Not covered.		
Animals	Not Addressed	Not Addressed	Not Addressed	Not Addressed			Not Addressed	Not Addressed	Can be effective. PD should indicate whether to use is permitted		Should not unless exigent circumstances.	If attacking or needs to be captured for public safety.	Not addressed.			Not addressed
Pregnant	Shall not if obviously pregnant*	May on visibly pregnant only when there is an exigency or an immediate threat to officers or third parties.	Obviously Pregnant*	Reasonably appears or known to be.	Should be avoided when feasible and known to be	Shall consider other Force Options if Potentially.	Visibly pregnant*	Women known to be pregnant; heightened justification needed.	Should not be used.		Pregnant unless exigent circumstances.	Appear pregnant; heightened justification needed.	Possibly pregnant, unless exigent circumstances.			If visibly pregnant.
Age	Apparently over 65*	May on elderly only when there is an exigency or an immediate threat to officers or third parties.	Apparently Elderly*	Reasonably appears or known to be elderly	Should be avoided if very old	Not Addressed	Should not if at the extremes of ages (elderly/young) or physically disabled.	Elderly persons - heightened justification needed.	Should not be used.		Elderly unless exigent circumstances.	Elderly; heightened justification needed.	Should not unless exigent circumstances.			

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Frail/Body Mass	Visibly Frail	Visibly frail only when there is an exigency or an immediate threat to officers or third parties.	Apparently Frail, Low Body Mass*	Reasonably appears to be infirm	Should be avoided	Shall consider other options	Should not*	Heightened justification needed	Should not be used.		Visibility frail unless exigent circumstances.	Appear pregnant; heightened justification needed.	Should not unless exigent circumstances.		Not covered.	
Juvenile	Apparently under 13 unless deadly force would be permitted.	Apparently pre-adolescent only when there is an exigency or an immediate threat to officers or third parties.	Apparently a Child*	Reasonably appears to be a child; no age given.	Should be avoided when feasible if very young.	Shall consider other force options if small children.	"Extremes of age" Should not*	Young children, heightened justification needed	Young children, should not be used.		Young children unless exigent circumstances.	Should not unless exigent circumstances.	Should not unless exigent circumstances.			
Vehicle	In control of unless deadly force would be permitted.	Shall not*	Only if Lethal Force Were Authorized*		Shall not unless SBI/death	Not Addressed	Should not unless compelling reason	Should not*	Should not be used.		Shall not.					
Fall Hazard	Shall not*	Shall not*	*	Should not be used	Not Addressed			Should not*				Unless exigent circumstances.	Heightened justification needed.	Should not unless exigent circumstances.		
Medical Condition	Credible info to believe*	Shall not*	Apparently*		Should be avoided	Not Addressed	Should not unless compelling reason	Persons with known heart conditions, including pacemakers or those				Excited delirium	Not addressed.	Should not unless exigent circumstances.		

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Combustibles	Near/exposed*		*	Should not be used				Should not*			Should not if known to be exposed.	Heightened justification needed.		Not covered.					
Only Destroying Evidence			Not Addressed	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Should not be used.		Should not unless exigent circumstances.	Not addressed.	Not addressed.		Not covered.	Not covered			
To intimidate				Not Addressed															
Flight Only					Not Addressed	Not Addressed		Should not*	Should not be used.		Should not unless exigent circumstances.						Not covered.	Least amount of times necessary for compliance, but shall not shock more than three (3) times.	
Submerged in Water/drowning																			
Number Of Cycles	(3) 15 seconds*	(3) 15 seconds*	(3) 15 seconds*	Minimum necessary based on training and experience	(3) 15 seconds, unless subsequent activations can be independently articulated.	Not Addressed	Each cycle must be justified, after 3 cycles ECD deemed ineffective, continued use based on exigent circumstances.	Minimum necessary, more than 15 sec may increase risk of SBI or death	Each cycle must be justified, more than 3 cycles should be avoided as it may cause serious injury/death.	Not addressed	Not addressed	One cycle and assess. After 3 cycles shall reassess and consider other options.	Minimum necessary.						Not covered.
Medical	Transport to Hospital	Request Medical Aid	EMS Respond to Scene	EMT Respond to Scene	Hospital Clearance	Treatment on scene	Summon medical attention.	If needed	Medical evaluation, if exposed to more than 3 cycles, should go to ER.	Medical evaluation on scene, if injured or complaint of pain EMS summoned.	Med. if needed. Officer may remove probes if medical not needed.	Medical assessment.	Transport to hospital.						

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Removing of Probes and Medical Treatment

Probe Removal	Only emergency medical personnel should remove CED probes.	Shall only be removed by fire department personnel or healthcare professionals.	Not mentioned	Officer may remove, if able to.	Probes lodged in the body are removed by EMS or Hospital Staff	Fire department rescue personnel remove probes	Not mentioned	Officer may remove if not in a sensitive area.	Officer should not be remove unless trained to do so.	Removed by authorized medical personnel.	Can be removed by CED qualified officer.	Absent extenuating circumstance only qualified personnel, including certified paramedic, should remove.	Removed only by trained medical personnel	Not covered	If possible member who deployed ECD, shall remove probes.
Medical Care	Shall be transported by emergency medical personnel to a hospital.	Summon medical aid, no mention of transporting to Hospital.	"Appropriate medical treatment" No mention of transporting to Hospital.	Call EMT or transport to Hospital only if subject requests medical attention or obviously needs medical attn.	Shall be transported to hospital for medical clearance.	Fire department rescue personnel determine if subject needs to be transported to a hospital.	Summon medical attention on all use of the ECD. No mention of transporting to hospital.	Summon EMS only if necessary.	Should receive medical evaluation.	Shall be transported to a hospital by ambulance.	Medical assessment and/or transport to hospital only if necessary.	Medical assessment and/or transport to hospital only if necessary.	Must be transported by ambulance to hospital for clearance.	Not covered	Medical evaluation ASAP, no mention of transporting to hospital.

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Legend:

	Active consent decree or settlement agreement.
	Authorized use
	Restricted/conditional use
	Forbidden use
**	Only when lethal force would be authorized
"Shall"	Must, required, mandatory
"Should"	Self explanatory
Standard Cycle, Cycle	Length in seconds device discharges energy when activated unless manually deactivated.
EMS	Emergency Medical Services
SBI	Serious Bodily Injury: Injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
Less-lethal	Weapon not <u>designed</u> to kill or cause serious bodily injury.