

P.G. 212-117 Use Of Conducted Energy Devices (CED)

Date Effective: 08-01-13

PURPOSE

To inform members of the service of circumstances under which a Conducted Energy Device (CED) may be intentionally used and to record instances when a Conducted Energy Device has been used. CEDs will only be used by authorized uniformed members of the service. Additionally, all patrol supervisors and platoon commanders performing patrol duty assigned to the Patrol Services, Housing and Transit Bureaus will be required to carry a CED in a Department issued holster as authorized.

SCOPE

A Conducted Energy Device (CED) can be an effective means of subduing suspects and emotionally disturbed persons (EDP's) in a safe manner. A CED is classified as a less lethal device and is intended to augment and provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject. The use of a CED is within the range of use of less lethal devices such as pepper spray or a baton on the force continuum due to its effectiveness at a distance and at close range.

A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. In many cases, a CED will reduce or eliminate the need for deadly physical force. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical. It is prohibited to use a CED in situations that do not require the use of physical force.

DEFINITIONS

CONDUCTED ENERGY DEVICE (CED) - a device primarily designed to disrupt a subject's central nervous system by means of using electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's motor responses.

ACTIVATE (ACTIVATION) - To cause the CED to arm by releasing the safety, thereby causing the CED laser sight to operate.

CARTRIDGE - a replaceable cartridge which discharges two darts on connecting wires sending a high voltage/low current signal into a subject.

DARTS - probes that are discharged from a CED and are designed to penetrate the skin; wires are attached to the probes leading back to the CED.

DISCHARGE - To activate a CED, depress the trigger and cause an electric current to flow. Discharge will result in arcing (no cartridge is present) or darts being fired (cartridge is present).

TOUCH STUN - To use the CED and discharge the device in a manner such that the hand-held unit makes direct contact with an intended subject's body. Touch stun mode should only be used in exceptional circumstances and not as a

primary method of use. Therefore, when touch stun mode is used, an investigation will be conducted by the commanding officer/duty captain to determine if the CED was properly used.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE - A uniformed member of the service who has received authorized Department training in the use of the CED.

INVESTIGATING SUPERVISOR - As used in this procedure will be as follows:

a. The next highest ranking supervisor in the chain of command of the member who discharged the CED,

b. The commanding officer/duty captain for instances of touch stun incidents, when CED is used on a person in police custody or an accidental discharge of a CED has occurred resulting in an injury to any person.

NOTE: If the investigating supervisor is from a command other than Patrol Services Bureau, Housing Bureau or Transit Bureau and is not available, the investigating supervisor will be the next higher ranking supervisor from the Patrol Services Bureau. (e.g., If a sergeant assigned to a Highway Unit discharges a CED and a lieutenant is unavailable from that Unit to investigate the discharge, a PSB lieutenant or duty captain will conduct the investigation.)

PROCEDURE

To provide for control, accountability, issuance, use and investigation of the use of Conducted Energy Devices (CEDs):

COMMANDING OFFICER

1. Designate a secure area under the control of the desk officer or appropriate supervisor for the storage of CEDs and cartridges.
2. Ensure availability, operability, and distribution of CEDs assigned to the command on all tours.
3. Ensure that all supervisors performing patrol duties in the command are trained in the use of CEDs.
 - a. ONLY authorized uniformed members of the service will be assigned to carry CEDs.

NOTE: When requesting a replacement or loaner of a CED, replacement of batteries, chargers, or holsters, commanding officers are required to prepare and deliver a Typed Letterhead with item(s) needing replacement, to the Commanding Officer, Firearms and Tactics Section.

When requesting replacement cartridges, commanding officers shall prepare and deliver a Typed Letterhead to the Commanding Officer, Firearms and Tactics Section and shall attach a copy of the related LESS LETHAL/RESCUE EQUIPMENT USE REPORT (PD 320-151).

DESK OFFICER/UNITSUPERVISOR

4. Account for all CEDs and cartridges assigned to the command at the commencement of each tour.

a. Make a Command Log entry, include serial numbers.

b. Commands that do not maintain a Command Log will account for CEDs and cartridges in an appropriate Department log.

5. Assign CEDs to authorized uniformed members of the service on each tour taking into account the following:

a. At least one operable CED must be assigned to a patrol supervisor and/or platoon commander performing patrol duty at all times.

b. One operable CED must be maintained at the desk.

NOTE: If available, additional CEDs may be assigned to other authorized uniformed members of the service throughout the tour as determined by the commanding officer.

6. Indicate rank, name, shield number/tax number, as applicable, of assigned member(s) in the Command Log.

a. Make entry on roll call, identifying member(s) assigned a CED for tour.

b. Place notation "CED" next to the name of member(s) assigned a CED.

7. Ensure CEDs, without cartridge attached, are connected to charger, if appropriate, while unassigned.

8. Notify commanding officer when CED is inoperable.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE/ PATROL SUPERVISOR/ PLATOON
COMMANDER

9. Carry CED only when trained by the Firearms and Tactics Section.

a. CED must be carried on the non-shooting side, in a Department approved holster, attached to gunbelt, and secured to person.

b. Emergency Services Unit and uniformed personnel, performing duty in civilian attire, will carry CED in a holster approved by Commanding Officer, Firearms and Tactics Section and Commanding Officer, Special Operations Division, as appropriate.

NOTE: Only conducted energy devices authorized by the Commanding Officer, Firearms and Tactics Section will be carried by members of the service. Carrying or use of any other unauthorized conducted energy device may result in disciplinary action.

10. Inspect CED to ensure operability.

a. Point CED in safe direction

b. Remove cartridge from CED

c. Release the safety (place safety in "off" position)

d. Ensure the laser is visible and that the battery status light indicates device is energized

- e. Conduct spark test
- f. Replace battery if either laser is not visible, battery status light does not operate or if spark test results confirm a weak battery
- g. Re-inspect CED unit after battery pack is replaced
- h. Engage safety
- i. Attach cartridge to CED.

NOTE: Cartridges must be removed and secured away from the CED prior to conducting an inspection. Accidental discharges resulting in injuries may occur if a cartridge is left attached to the CED while conducting an inspection.

Members are reminded that each discharge is registered on the CED's internal memory that records the date and time of each discharge. Therefore, whenever a CED is discharged (including a spark test to ensure operability or an accidental discharge), such discharge must be recorded in the member's ACTIVITY LOG (PD112-145), INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156), Command Log or other appropriate Department record.

11. Inform desk officer/supervisor if the CED does not operate subsequent to battery replacement, is inoperable, or requires repair/replacement.

12. Make ACTIVITY LOG entry and include:

- a. Results of inspection
- b. Serial number of CED
- c. Name of desk officer/supervisor notified if CED is inoperable.

13. Return CED to desk officer upon completion of tour.

USE OF CONDUCTED ENERGY DEVICE (CED)

14. Assess situation and determine if the use of a CED would be appropriate.

15. Consider the totality of the circumstances when deciding the minimum amount of force necessary to overcome resistance when effecting an arrest or when taking mentally ill or an emotionally disturbed person into custody. Some factors to consider when determining the appropriate use of force include but are not limited to:

- a. officer/subject size disparity
- b. officer/subject strength disparity
- c. officer/subject age disparity
- d. officer's perception of the subject's willingness to resist
- e. officer's perception of the immediate threat to the subject, members of the service and bystanders
- f. suspect's violent history, if known