

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 1.14</b>
		Issue Date: March 21, 2005
		Revision Date: August 26, 2008; April 1, 2009; October 21, 2009; May 28, 2014; February 1, 2016; June 6, 2016
<b>CHAPTER:</b> Sheriff's Office Role and Authority		Related Policy: G.O. 1.05 (Authorized Weapons, Ammunition and Carrying Devices), G.O. 1.12 (Use of Force), G.O. 3.06 (Use of Force/Firearms Discharge Review)
<b>SUBJECT:</b> Conducted Electronic Weapons (CEW)		Related Laws: ORS 161.205 (Use of Physical Force Generally), ORS 161.235 (Use Of Physical Force In Making An Arrest Or In Preventing An Escape), ORS 161.239 (Use Of Deadly Force In Making An Arrest Or In Preventing An Escape), and ORS 161.245 (Reasonable Belief Defined).

**POLICY:** CEWs are a less lethal tool system designed to assist officers in avoiding physical combat or to overcome a resistive subject; allowing officers to gain temporary control over subjects, for the purpose of subduing persons without causing serious injury, or death to the officer, threat or citizens. Employees are authorized, when acting within the scope of their duties, to use justified, reasonable, and necessary force to protect themselves or others from physical harm, to affect an arrest, or to overcome resistance to an arrest.

**RULE:** CEWs may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein. The Captain of each involved division shall appoint a sergeant within that division, for purposes of that divisions training, certification and record keeping of sworn personnel on the use of any CEW within said division. In the appropriate situation, CEWs may effectively be used to control a violent or potentially violent subject and minimize the risk of injury to an employee or another person. The application of any CEW is considered to be applied force. Use of CEW shall be conducted in accordance with G.O. 1.12 and the following procedures.

**DEFINITIONS:**

1. Conducted Electronic Weapons: Any less-lethal, hand-held, battery operated electronic device capable of disrupting the neurological impulses that control voluntary muscle movement in order to temporary incapacitate a person and minimize the risk of serious physical injury or death.

2. Anti-felon identification (AFID) tags: Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.
3. Approved CEW Delivery Systems:
  - a. Stun Gun: A hand-held, battery operated device capable of delivering an electronic contact charge via two (2) electrical contact points.
  - b. Stun Shield: A hand-held, battery operated concave plastic shield capable of delivering an electronic contact charge via multiple contact points along the face of the shield.
  - c. Stun Belt: A battery operated, electronic security belt worn on a prisoner that is capable of delivering an electronic contact charge activated remotely by a hand-held transmitter.
  - d. Taser: A dual use, battery operated, Electro-Muscular Disruption device capable of delivering an electronic contact charge via two (2) contact points, in Drive Stun mode, as well as an electronic charge via two (2) projected probes delivered from, and connected to, a hand-held device which administers the electronic charge by the activation a trigger device, in Air Taser Mode.

## **PROCEDURE:**

### **I. Authorized Use of Conducted Electronic Weapons**

#### **A. Authorized Products**

The Lane County Sheriff's Office will only use CEW that are battery operated and capable of generating a low amperage electronic charge of approximately 50,000-volts that is activated by a manual, hand-held triggering device. Division commanders, or their designee, shall approve the CEW delivery systems and products to be used within their division.

#### **B. Authorized Users and Training**

1. Division commanders, or their designee, shall designate which employees within their division may be authorized to carry and deploy CEWs. Only authorized employees who have completed an approved training course may utilize a CEW. All other employees are specifically prohibited from carrying or using a CEW.
2. Authorized employees shall maintain certification for the use of the CEW by receiving annual recertification. A reassessment of an authorized employee's knowledge and/or practical skill may be required at any time, if deemed appropriate by a supervisor.

3. Any published guidelines or training program established by the CEW manufacturer will be incorporated into LCSO's comprehensive training course approved by the designated training sergeant.
4. Within the secure facility of the Lane County Adult Corrections Facility (including the Community Corrections Center), only authorized corrections and LCSO transport employees shall be allowed the use of CEWs. All other CEWs shall be secured prior to entry into the secure facility.

C. Authorized Equipment

1. Employees shall only use CEWs and the associated holders that are approved and issued by the Sheriff's Office.
2. No employee shall carry or use any CEW not approved by the Sheriff's Office.

D. Guidelines for Use

1. Each CEW must be used in accordance to its manufacturer's published guidelines and the approved Sheriff's Office's training course.
2. CEWs shall be carried in a safe and secure manner, fully armed, with the safety on and ready for immediate use. Employees in uniform, armed with a firearm, shall carry the CEW on the side opposite from the employee's duty firearm.
3. Conducted Electronic Weapons may be used to avoid physical combat with a threat who verbally threatens to fight or actively demonstrates the intent to refuse to comply with lawful control, physically resists lawful control, forcefully pulls away from lawful physical contact, tries to power through a control hold, or otherwise creates a risk of injury to any person. The use of a CEW will be conducted in accordance with existing use of force policy as outlined in G.O. 1.12.
4. If feasible, employees deploying a CEW should be supported by at least one officer capable of providing immediate cover. The CEW is not meant to take the place of deadly force options.
5. CEWs should not be used in the presence of flammable gases/liquids, volatile or explosive materials (including but not limited to gasoline, natural gas or propane).
6. Primary target area for the CEW is "Lower Center Mass" on the front of the body. The entire body from below the neck down is a potential target

area from the rear. Maximum effectiveness will only be achieved when the unit involves two large muscle groups.

7. Deployment should be avoided in any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).
8. Unless it would otherwise endanger safety or is impractical due to circumstances, an explicit verbal announcement of the intended use of the CEW shall precede the application of a CEW in order to:
  - a. Provide the individual with a reasonable opportunity to voluntarily comply.
  - b. Provide other employees/officers and individuals with warning that a CEW is/may be deployed.

The fact that a verbal and/or other warning was given, or reasons it was not given, shall be documented in any related reports and Use of Force After Action Report.

9. Applications of CEWs should not exceed eight (8) seconds in duration. Normally, a 5 to 7 second application will subdue the subject long enough to place them in restraints/handcuffs. Additional applications may be deployed only if the threat's post-application actions prevent immediate restraint and justify continued use of the CEW.
10. If circumstances allow, the recipient of a CEW will be assisted as they collapse to the floor to lessen potential injuries, such as striking the head on the ground or other objects.
11. The CEW stun belt will only be utilized:
  - a. On inmates/defendants inside the courtroom;
  - b. After consultation with the District Attorney handling the case; and
  - c. After a court hearing authorizing use of the device. The hearing will address the potential of the inmate being a safety risk, a flight risk or disruptive of the proceeding.
  - d. The following will be considered prior to use- pending charges, mental health issues, assaultive history against peace officers, criminal history, escape arrest/convictions, classifications, discipline in jail, hazards, witnesses testifying against inmate, high risk media, sentenced as well as any other pending holds.
  - e. The device will be used as specified by the manufacturer and as instructed by current training practices.

E. Prohibited Use of CEW:

1. The CEW may not be used on the following persons or circumstances, unless one of the exceptions following this list is met:
  - a. Children, who are known to be, or are obviously under the age of 12.
  - b. Persons, who are known to be, or are obviously older than 60 years of age.
  - c. A woman who is known to be, or is obviously pregnant.
  - d. A person known to be, or is obviously medically fragile.
2. Exceptions that would permit the use of the CEW on the above persons or circumstances:
  - a. The person is armed with a dangerous weapon.
  - b. The person is engaging in suicidal behavior.
  - c. The person cannot safely be controlled with other force options.
3. In addition, the use of the CEW is prohibited:
  - a. For horseplay or practical jokes.
  - b. To harass or unduly influence a person under any circumstances.
4. Once a suspect is in handcuffs or restraints, the use of a CEW is appropriate only when the suspect presents a reasonable threat to the safety of the employee or others. In this situation the use of a CEW requires articulation of the facts and documentation in all reports and Use of Force After Action Report.
5. A CEW may not be used at a demonstration or protest unless its use is reasonably necessary to prevent injury to the officer or another person.
6. Employees may not use any CEW for punitive reasons or to cause unreasonable harm or pain.
7. Any application of a CEW that deviates from an employee's training or constitutes abuse of the use of a CEW may result in disciplinary action, up to and including termination, depending on the totality of the circumstances. In addition, misusing the CEW may result in criminal charges.

## II. Post Application

### A. Care

1. A medical evaluation will be conducted by a nurse, physician or paramedic anytime a CEW transmits an electrical charge to a person.
2. Employees who are trained to do so may remove the metal probes from a person struck with the CEW probes. If a person is struck with the probes in a sensitive area (e.g. groin, female breast, near eyes). These probes should be removed by a medical professional when feasible.
3. Any injuries sustained by any person during an application of a CEW shall receive an appropriate level of First Aid and/or medical treatment. Both the injury and post treatment provided shall be documented in accordance with Section III of this general order.
4. If a CEW is used at the jail, the on duty Corrections Health Nurse (CHN) will be notified. The CHN shall examine the subject as soon as reasonably possible after the application of the CEW. A medical examination will be required as requested by a CHN, or whenever a CHN is not available at the jail in a reasonable time period.

### III. Reporting

- A. Any Employee who uses a CEW shall immediately cause the on-duty supervisor to be notified that a CEW has been used. Whenever feasible, the on duty supervisor will respond to all incident scenes where a CEW is actually used against a person.
- B. Both the use of a CEW and the post application care shall be documented in any custody report submitted by the person using the CEW. A copy of any custody report listing the application of a CEW will be directed to the Training Office and respective assigned CEW sergeant for their review.
- C. Prior to completing the tour of duty, the Employee who uses a CEW shall complete a Use of Force After Action Report in accordance with G.O. 1.12, section IV. The Use of Force After Action report shall detail the justification for the use of CEW and post application care.
  1. In the event that multiple staff deploys a CEW during a Force Incident, each person, other than the primary force user, deploying a CEW will document on a separate CEW Supplemental Report. The CEW Supplemental Report and a memo outlining the staff actions will be attached to the Primary Use of Force Report.
  2. Prior to completing the tour of duty, the employee discharging a CEW operationally, outside of a Use of Force Incident, at any target, hit or miss, will fill out a CEW Supplemental Report. A copy of this report will be forwarded to the respective assigned division CEW sergeant for record

keeping and CEW use tracking. This does not apply to the training environment.

E. Evidence

1. Following the operational discharge of a CEW, it is the responsibility of the deploying employee to collect at least three (3) AFID Tags when possible. Additionally, the probes shall be collected and all CEW artifacts (probes and AFID tags) logged into evidence in a suitable container/bag keeping in mind any and all biohazard precautions.
2. Any injuries caused by the CEW probes, or secondary injuries, if any, caused by a CEW shall be photographed. Consent should be obtained before photographing sensitive areas (e.g. groin, breast, buttocks).
3. The CEW may be equipped with a camera which is an audio and/or video recording device integrated into the power supply. Anytime the camera has been activated, the video and audio data shall be downloaded with current department evidence procedures (Refer to the Property/Evidence Procedures Manual) and data referenced in any related reports.

F. The electronic record captured by the CEW(s) and the accompanying use force of reports shall be randomly audited by the Office of the Sheriff.

IV. Private Use

A. Employees are not authorized to carry or use LCSO CEWs off duty.