

CONDUCTED ENERGY DEVICES: USE IN A CUSTODIAL SETTING

A COLLABORATIVE STUDY BY:



**POLICE EXECUTIVE
RESEARCH FORUM**



NATIONAL SHERIFFS' ASSOCIATION



Bureau of Justice Assistance

Conducted Energy Devices: Use in a Custodial Setting

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Acknowledgments

This report would not have been possible without the support and contributions from many individuals and agencies. We would like to thank those individuals who participated in the initial advisory board meeting and helped us develop the key concepts to include in the survey. The meeting participants were: Sheriff Larry Amerson (Calhoun County [Alabama] Sheriff's Office), Sergeant Jimmy Barrett (Arlington County [Virginia] Sheriff's Office), Sheriff David Goad (Office of the Sheriff for Allegany County [Maryland]), Commander Charles "Sid" Heal (Los Angeles County Sheriff's Department [California]), Sergeant Apollo Kowalyk (Edmonton Police Service [Canada]), Sheriff Lenny Milholland (Winchester City [Virginia] Sheriff's Office), Assistant Director Arthur Roderick (United States Marshals Service) and Robert Spence (Attorney for the Tuscaloosa County [Alabama] Sheriff's Office).

Critically important to the completion of this report was the willingness of 288 sheriffs' agencies that took the time to respond to our survey and provided us with insight into the use of conducted energy devices (CEDs) in a custodial setting.

This report would not have been possible without the generous support of the Bureau of Justice Assistance (BJA). BJA Director Domingo Herraiz, BJA Senior Advisor for Law Enforcement Steve Edwards and the BJA staff are aware of the increasing use of CEDs throughout the United States and have recognized the importance of providing guidance to law enforcement agencies. We appreciate the efforts of our project manager, Geislia Barnes, who provided exceptional support throughout the project.

Critically important to the development of the actual guidelines themselves were Sheriff Larry Amerson (Calhoun County [Alabama] Sheriff's Office), Sheriff David Goad (Office of the

Sheriff for Allegany County [Maryland]), Sheriff Lenny Milholland (Winchester City [Virginia] Sheriff's Office), Commander Charles "Sid" Heal (Los Angeles County Sheriff's Department [California]), and Robert Spence (Attorney for the Tuscaloosa County [Alabama] Sheriff's Office).

Finally, this report could not have been produced without the incredible efforts of talented and dedicated PERF staff. Thanks to Joshua Ederheimer, the former Director of PERF's Center on Force and Accountability and current member of the Washington, D.C. Metropolitan Police Department, for providing his guidance and leadership. Thanks to Bill Tegeler, the Acting Director for PERF's Center on Force and Accountability, for stepping into an ongoing project and providing insight and support. Special thanks to Jason Cheney and Emily Milstein-Greengart for their tireless assistance in handling the day-to-day project tasks. We thank Bruce Kubu and Nathan Ballard for their assistance in developing the survey and Kristin Kappleman for her analysis of the data and writing the methods section of the report.

-James Cronin
Former Senior Research Associate, PERF

-Fred Wilson
Director of Operations, National Sheriffs' Association

Introduction

The use of Conducted Energy Devices (CEDs) by law enforcement officers is increasing across the United States. According to some estimates, these devices have been deployed by more than 11,000 law enforcement agencies across the nation. The U.S. Department of Justice has recognized this trend and has been funding research into various aspects of CEDs. One project funded by the DOJ resulted in the Police Executive Research Forum (PERF) developing *CED Guidelines for Consideration* along with a glossary of CED terms (Cronin and Ederheimer, 2006). These guidelines focus on the use of CEDs in a police patrol setting, and are designed to ensure that CEDs fulfill their potential as a relatively new type of less-lethal force for policing agencies, while preventing misuse or excessive use of the devices.

Because CEDs also are used by officers in detention and correctional facilities and courts, PERF and the National Sheriffs' Association (NSA) have combined resources to examine the issues pertaining to the use of these devices in custodial and court situations.

This project stems from the efforts of the DOJ Less-Lethal Technology Working Group, a panel of experts convened by the National Institute of Justice to guide federal research initiatives on less-lethal weapons. It is funded and managed by the Bureau of Justice Assistance (BJA). The tone for the framework of this project was set by the recommendations of NSA's Standards, Ethics, Education and Training Committee and the NSA Board of Directors (February 2005). In these recommendations, the NSA committee and board concluded that decisions about the use of CEDs should be left to individual sheriffs' offices, but that any use of such devices or other less-lethal alternatives should be "supported by research, adequate policies, continuous training and appropriate and prompt follow-up." With that general guidance, BJA provided support for PERF and NSA to collaborate on (1) surveying the field to determine the extent to which sheriffs' offices have developed policies on CEDs and/or are using the devices, and (2) establishing guidelines for CED use in a custodial setting.

PERF and NSA began by convening a focus group of representatives from sheriffs' departments across the nation to obtain guidance on setting the parameters of the study. The information gathered during the focus group, along with a review of relevant literature, helped PERF and NSA develop a survey instrument to be administered to sheriffs' offices. The results of the survey were presented to the NSA's Standards, Ethics, Education and Training Committee and its Accreditation, Detention and Corrections Committee during the NSA's annual conference in June 2007. Based on the input of these committees, recommended general orders for the use of CEDs and other electronic devices in custodial settings were developed. This report describes the survey methodology and findings, and provides the text of the general orders.

Conducted Energy Devices and Similar Weapons

Types and Uses of Devices

As part of our initial review, we canvassed sheriffs' offices to determine the potential uses of CED devices due to the variety of CED devices designed for a variety of purposes. These purposes include controlling prisoners as they are transported to court or medical facilities, removing recalcitrant prisoners from cells, and putting an end to riot situations.

CED/Stun Shield

The stun shield is similar to traditional shields used by law enforcement officers, but it has a switch on the shield handle that, when pressed, administers a contact shock. In a crowd-control or riot situation, the stun shield device is preferred as it can be used to force subjects to retreat and disband. Stun shields are also useful in "cell extractions," when officers need to enter a cell to remove a prisoner who is refusing to cooperate. The shield helps protect officers from various articles and liquids that prisoners may throw at them. Stun shields, like traditional law enforcement shields, are available in concave and convex forms. Convex shields are traditionally used to push subjects, while concave shields are mainly used to capture subjects.

CED/Stun Belt

Stun belts are remotely controlled devices that are placed on a subject's arms, legs or waist, depending on the specific design of the device. The belts can be worn over or under the prisoner's clothes. If the subject exhibits aggressive behavior or attempts to escape, the sheriff's deputy presses a switch on a hand-held remote. The belt will then emit a high-frequency noise warning the subject of an impending shock in the next few seconds. If the subject stops attempting to flee or calms down, the deputy can deactivate the device, and the subject will not experience the shock. However, if the subject continues to flee or pose a threat, the belt will be activated, administering a painful shock intended to immobilize the subject. Various models of stun belts can be remotely activated from as far away as 50 to 100 meters. For court appearances, medical visits, and situations when prisoners are given temporary release from jail in order to attend to family emergencies—or other situations when a prisoner needs to be controlled but may not be shackled—a stun belt can serve to maintain control over a prisoner without disturbing the proceedings. Stun belts are also used during transportation to the above mentioned events.

CED Weapons

There is also a range of CED weapons, similar in appearance to firearms, that deliver an electrical current that interferes with the body's neuromuscular system, incapacitating the subject. These weapons can be used in two modes: "probe" or "drive-stun." In the probe mode, a nitrogen cartridge fires a set of barbs from the device; the barbs, trailing electrical wires, attach to the subject's clothing or penetrate his or her skin. The greater the distance on the subject's body between the two barbs, the greater the incapacitating effect. In drive-stun mode, the electrical contacts on the device are pressed directly onto a subject. The effect on the neuromuscular system in drive-stun mode is less severe than the effect in the probe mode (Donnelly et al, 2002).

CED weapons are used in detention centers, holding facilities, and during prisoner transportation. For example, when the prisoner is unshackled during transport, backup officers can use a CED to cover

the prisoner. Since prisoners often are held at close quarters, care must be taken in the deployment of these devices in “probe” mode, to avoid striking bystanders.

In a “direct-supervision” jail facility, where prisoners are allowed to walk free in a common area most of the time and correctional officers are often in the “pod” with the prisoners, officers do not carry any means of defense to prevent the possibility of prisoners overpowering officers and taking their weapons. In these situations, CEDs and other weapons are either kept in a control room with other officers, with a supervisor, or in an ordnance room for access when authorized.

CED/Shock Stick

Shock sticks are baton shaped devices with two prongs at the tip that deliver an electric charge to subjects. The prongs are typically an inch apart, and both prongs must make contact with the subject in order to deliver a charge. Some shock sticks are designed to also deliver an electric charge along the sides of the baton, in order to prevent a subject from grabbing it. The batons vary in length. Only a small percent of sheriffs’ offices use these devices.

Concerns about the Devices

The use of CEDs in a custodial setting poses many of the same issues as use of CEDs by police agencies. There are concerns about use-of-force policies, training questions, and questions about the medical effects of CED activations. Specific policy issues include: defining the level of resistance by a subject that justifies use of a CED; whether to limit or prohibit deployment of the devices on at-risk populations (i.e. children, the elderly, persons under the influence of drugs, and pregnant women); deciding which employees will be authorized to use the devices; methods of carrying the devices; after-action care of persons who have been subjected to a CED activation; and reporting procedures following a CED activation. Many of these issues may be especially difficult in correctional settings, because jail populations tend to include many persons with mental health or other medical problems.

CED devices and other forms of less-lethal force can be particularly valuable in situations involving the custody and transportation of prisoners, and CEDs have been introduced and accepted by many sheriffs' departments in recent years. NSA and PERF believe that guidelines for the development of policies governing CED use in custodial settings can help law enforcement and correctional officials ensure that CEDs are used to their full potential but are not misused or overused.

Survey Methodology

Survey Instrument

PERF, NSA, and BJA designed the *Conducted Energy Devices: Use in a Custodial Setting* survey to examine issues surrounding the use of CEDs in a custodial environment. The survey contained a series of open- and closed- ended questions about: the number of full-time sworn deputies at the agency; operations of the agency's detention center(s); the agency's mission; the number of CED-type weapons possessed; when, where, and by whom the CED weapons are authorized to be deployed; the agency's other policies regarding CED deployment; training in CED use; and lawsuits related to CED weapons. The survey and cover letter are included in Appendix A.

Next, PERF and NSA convened a meeting of subject matter experts from sheriffs' offices nationwide to discuss the key issues that were identified from a literature review search, as well as to guide the project staff on the questions to be included in the survey. PERF and NSA staff members then pilot-tested the survey with in-house subject matter experts and with selected sheriffs' offices. In the latter tests, PERF staff members mailed the pilot survey to the selected agencies, and then interviewed the survey takers to determine if any questions were unclear or would be difficult to answer.

Once the survey was finalized, it was converted into Teleform, a software application that allows for the development of a scan-readable survey. To increase the response rate and make it easier for the respondent to complete the survey, PERF created an online version of the instrument, accessible only through a password-protected website.

Data Collection

The *Conducted Energy Device (CED): Use in a Custodial Setting* survey was sent to a sample of sheriffs' offices (N=345¹). The initial survey mailing on October 23, 2006 was followed up with a second mailing to non-responding agencies, then a second reminder letter and fax. Of the 345 sheriffs' agencies that received the survey, 288 submitted completed surveys, for an 83.5 percent response rate.

All surveys were reviewed to make certain that all items had been fully completed. Any information that was unclear, inconsistent, or missing was flagged, and PERF staffers followed up to obtain the missing information or clarification.

Survey Results

The survey began by asking for background information about the agency, starting with how many full-time sworn deputies were currently employed by the agency. Responses ranged from 0 to 897, with an average of 48 deputies per agency.

Agencies were then asked if they operated a detention center, and if the question was answered in the affirmative, they were asked several additional questions pertaining to their detention centers. Of the respondents, 75.5 percent operate a detention center. These agencies operate an average of 1.5 detention centers, with responses ranging from 1 to 20. Between 1 and 650 sworn staff members with direct prisoner contact are employed at the detention centers, with an average of 31 sworn employees. The average rated operating capacity of the detention centers was 304, with responses ranging from 4 to 2,357. The average daily population of prisoners/detainees housed at the detention centers ranged from 2 to 2,366 prisoners, with an average of 281.

¹ The surveys were mailed to 347 agencies, but two were removed: One agency responded that it was outside of the scope of the survey because it did not perform custodial functions, and another agency inadvertently had been sent two surveys under different names.

Next the survey asked about the various missions that a sheriff’s agency may perform. Most responding agencies indicated that they perform multiple missions, including civil processes, corrections, court processes, law enforcement, and prisoner transport (see Table 1).

Table 1. Percent of missions perform by agency

Mission	Percentage
Civil processes	96.0
Corrections	74.0
Court processes	88.3
Law enforcement	96.5
Prisoner transport	95.2

Respondents were then asked about their agency’s use of conducted energy devices. Some type of CED weapon (including CED guns, stun shields, stun belts, etc.) is authorized for use in 64.1 percent of the responding agencies. Thirty-one percent of agencies have never authorized the use of a CED, while 4.9 percent of agencies said they have used CEDs in the past but were not currently using them.

Of the agencies that deploy some form of CED, 90.7 percent deploy CED guns with a projectile/probe mode. The projectile/probe mode is considered the primary option for 77.2 percent of those agencies, and a secondary option for 18.5 percent. CEDs with a touch/stun mode are deployed by 86.4 percent of agencies. The touch/stun mode is considered the primary option for 11.9 percent of those agencies, and the secondary option for 83.6 percent of agencies.

Agencies were asked if their deputies were allowed to warn prisoners of imminent activation by arcing the CED or pointing the laser-dot aiming device. Almost 60 percent of agencies indicated that deputies were allowed to arc the CED as a warning. Of those agencies, 84.3 percent indicated that arcing was an effective deterrent. Nearly 78 percent of agencies said deputies are allowed to point the last dot to warn of imminent activation. Of these, 82.9 percent indicated that the laser dot was an effective deterrent.

Agencies were asked how many and what types of CED-related weapons they possessed for use by their sworn staff (see Table 2). More than 90 percent of the agencies reported owning between 2 and 284 CED guns such as Tasers™ and Stingers™, with an average of 34 CEDs per agency. Approximately 31 percent of respondents utilized a CED/stun belt, and the number of belts ranged from 2 to 12. CED batons or “shock sticks” were used by 5.2 percent of agencies, with 2 CED sticks in each agency. The electronic shield (CED shield) is used by 19.2 percent of agencies. Of the agencies that use the electronic shield, they possess between 2 and 5 shields.

Table 2. Percent of agencies deploying weapons and the average number of weapons owned by an agency

	Percentage of agencies that deploy weapon	Average number owned by agencies that deploy the weapon type
CED (e.g., Taser, Stinger)	91.0	33.5
CED/stun belt	30.8	3.8
CED stick (shock stick)	5.2	2.0
Electronic stick (CED shield)	19.2	2.4

Agencies were questioned as to what types of transportation they use to convey prisoners and how many CED activations occurred during each type of transport during 2005. About 87 percent of agencies use caged patrol cars, with a range of 0 to 182 activations occurring in 2005. Non-caged patrol cars are used by 59.7 percent of agencies, with a range of 0 to 77 CED activations occurring in those vehicles in 2005. Vans are used by 60.3 percent of agencies, with 93.3 percent indicating that no activations occurred in vans in 2005. Partitioned buses are used by 7.9 percent, with no CED activations occurring in that vehicle type in 2005. Slightly fewer than 3 percent of agencies use non-partitioned buses, with no CED activations occurring there. Slightly more than 3 percent (3.2 percent) of agencies use fixed-wing aircraft, with 95.3 percent experiencing no activations. Helicopters are used by 2.4

percent of agencies, with either 0 or 2 activations. About 48 percent of agencies reported walking prisoners to court or other locations, with the range of activations between 0 and 365 in that situation.

A large majority (95.0 percent) of the activations did not involve a prisoner with an apparent mental illness.

Agencies were asked in what locations they maintained custody of a prisoner. All agencies maintain custody during vehicle transport. A majority of agencies maintain custody in courtrooms (99.2 percent), medical facilities (90.6 percent), walking transports (90.5 percent), main detention centers (85.6 percent), temporary courtroom holding facilities (80.8 percent), and temporary holding facilities (sheriff's station jail) (67.6 percent).

Agencies were then queried as to what types of CEDs were authorized for use in specific locations (see Table 3). Agencies authorize the use of CED guns (e.g., Taser™, Stinger™) in their main detention center (97.6 percent), temporary courtroom holding facility (95.5 percent), temporary holding facility (sheriff's station jail) (95.5 percent), walking transport (95 percent), courtroom (93.4 percent), vehicle transport (88.9 percent), and medical facility (88 percent). CED stun belts are authorized for use in the courtroom (99.5 percent), temporary courtroom holding facility (94.4 percent), walking transport (87.6 percent), temporary holding facility (sheriff's station jail) (84.1 percent), main detention center (82.6 percent), vehicle transport (78.2 percent), and medical facility (77.8 percent). CED batons (e.g., shock stick) were authorized for use in the main detention center (100 percent), courtroom (95.0 percent), temporary courtroom holding facility (95.0 percent), walking transport (95.0 percent), temporary holding facility (sheriff's station jail) (93.2 percent), vehicle transport (86.9 percent), and medical facility (83.9 percent). CED stun shields are authorized for use in main detention center (99.2 percent), temporary holding facility (station jail) (79 percent), temporary courtroom holding facility (61.3 percent), walking transport (57.4 percent), medical facility (56.6 percent), courtroom (38.1 percent), and vehicle transport (35.7 percent).

Table 3. Percent of agencies that authorize CED weapons by location

	Vehicle Transport	Walking Transport	Medical Facility	Temporary Courtroom Holding Facility	Courtroom	Temporary Holding Facility (station jail)	Main Detention Center
CED	88.9 %	95.0%	88.0%	95.5%	93.4%	95.5%	97.6%
CED/stun belt	78.2%	87.6%	77.8%	94.4%	99.5%	84.1%	82.6%
CED stick	86.9%	95.0%	83.9%	95.0%	95.0%	93.2%	100%
Electronic shield	35.7%	57.4%	56.6%	61.3%	38.1%	79.0%	99.2%

The next question focused on prisoner escape attempts. According to the responding agencies, escape attempts were most likely to occur at the main detention center (30.3 percent), followed by walking transport (15.6 percent), vehicle transport (12.2 percent), courtroom (10.7 percent), medical facility (6.8 percent), temporary holding facility (2.4 percent), temporary courtroom holding facility (0.8 percent), and other locations, such as work release (7.7 percent). While most responding agencies indicated that they have experienced at least one escape attempt, slightly less than 14 percent of agencies (13.4 percent) have never experienced such an incident.

Agencies were questioned as to their policy governing CED deployment. Most agencies' CED policy (55.9 percent) is part of the general use-of-force policy. More than one-third of agencies (39.0 percent) have a stand-alone CED policy governing deployment that is separate from the use-of-force policy. Finally, 4.5 percent of agencies do not have a written policy concerning CED deployment. PERF conducted follow-up with the eight agencies that indicated their departments did not have a written policy concerning CEDs. Responses were received from seven of the agencies and all but two indicated they currently have a CED policy. Both agencies without a written CED policy have five or less deputies. One indicated only a single deputy is CED certified, and the other replied that they have not yet had the opportunity to draft such a policy.

Agencies were asked a series of questions designed to identify any policy limitations on deputies' use of CEDs. Specifically, agencies were asked whether or not their deputies would be allowed, by policy, to activate a CED against a prisoner in various situations (see Table 4). A majority of the agencies authorized the use of a CED against a prisoner who is not restrained (96.9 percent); who is offering active, physical resistance (96.5 percent); in a courtroom against a defendant (93.8 percent); against a subject who is under the influence of drugs and/or alcohol (91.8 percent); who is harming or threatening to harm him/herself (91.1 percent); who is minimum-security (91.1 percent); who has a civil mental commitment order (88.3 percent); who is known to be HIV-positive (85.1 percent); during a cell extraction (86 percent); against a prisoner who has obvious mental impairments (81.3 percent); who is fleeing (79.3 percent); who is in a vehicle (77.1 percent); in transport (75.3 percent); who is in a hospital or other medical facility (72.9 percent); in a courtroom against an unruly spectator (70.4 percent); against a prisoner who is frail/extremely thin or is obese (66.5 percent); against a juvenile (65.8 percent); against a prisoner who is partially restrained (60 percent); against a person who has obvious physical impairments (57 percent); and against an elderly subject (53.6 percent). A minority of the agencies authorized the use of a CED against a prisoner who is pregnant (27.6 percent) or who is offering passive resistance (22.9 percent).

**Table 4. Percent of agencies that allow a Deputy to activate a CED
in the following situations**

Situation	Percentage
If not restrained	96.9
Against a prisoner offering, active physical resistance	96.5
In a courtroom against a defendant/prisoner	93.8
Against a prisoner who is under the influence of drugs and/or alcohol	91.8
Against a minimum security prisoner	91.1
Against a prisoner who is harming, or threatening to harm him/herself	91.1
Against an individual with a civil mental commitment order	88.3
Against a prisoner during a cell extraction	86.0
Against a prisoner known to be HIV positive	85.1
Against a prisoner who has obvious mental impairments	81.3
Against a prisoner who is fleeing	79.3
In a vehicle	77.1
In transport	75.3
In a hospital or other medical facility	72.9
In a courtroom against unruly public attendee(s)	70.4
Against a prisoner who is defined by your agency as frail/extremely thin and/or obese	66.5
Against a prisoner who is a juvenile	65.8
If partially restrained	60.0
Against a prisoner who has obvious physical impairments	57.0
Against a prisoner who is defined by your agency as elderly	53.6
Against a prisoner who is pregnant	27.6
If fully restrained	23.6
Against a prisoner offering passive resistance	22.9

Agencies were asked to describe their CED training curriculum. Slightly more than half of the agencies (54.4 percent) use the manufacturer’s recommended training, but incorporate additional training in the curriculum. Slightly more than one-third of the agencies (35.1 percent) rely strictly on the manufacturer’s recommended training curriculum. Only 4.1 of agencies rely on a training curriculum developed in-house, while 2.1 percent of the agencies use part of the manufacturer’s recommended training, but rely mostly on content developed in-house. Roughly 4 percent of agencies do not rely on any specific training curricula.

Finally, agencies were asked to indicate if any lawsuits had been filed against the agency or any of its deputies in response to the use of a CED. Slightly fewer than 95 percent (94.8 percent) of responding agencies have not had any lawsuits filed.

Conclusion

Sheriffs' departments run more than 85 percent of the nation's jails and are responsible for the majority of jail prisoner transportation, so they have a need for a wide array of less-lethal weapons and equipment to incapacitate threatening or unruly prisoners. The safety of officers, prisoners, medical personnel, court employees, and the general public can be increased if sheriffs' offices have as many options as possible available for controlling situations without use of deadly force. Because CEDs are a relatively new phenomenon, there has been little or no direct research on the types and prevalence of these devices in jails or in prisoner transport and court situations, let alone information about good policies for the training of deputies about CEDs and the deployment and after-action requirements for use of these devices. This report is an important first step in filling this information gap and helping sheriffs to develop policies and standards for using these devices.

The National Sheriffs' Association has released a "Recommended General Order for Use of Conducted Energy Devices" (see next section). This set of policies contains many protections to ensure that CEDs are used only by deputies who have been trained in their use, that they are used only against subjects who make a sudden attack or offer active physical resistance, and that deputies must consider the entire context of a situation, including factors such as whether a subject has a history of violence and whether bystanders are at risk. The policies also call for caution and evaluation of other options before a CED is used against elderly subjects, women believed to be pregnant, and persons with apparent physical disabilities that impair their mobility. The policies also require the reporting of CED activations, and bar use of CEDs as a form of punishment.

Continued research into CED use will help inform the development of additional policies governing their use. For example, the U.S. Department of Justice is currently sponsoring a project examining the impact that CEDs have on injuries to officers and suspects. The information obtained in this study and other research may contribute to the continued refinement of CED policies by sheriffs' departments and other law enforcement agencies.

Recommended GENERAL ORDER for use of Conducted Energy Devices

The National Sheriffs' Association through its Standards, Ethics, Education and Training Committee and through a voice vote of the NSA Board of Directors, maintains that Guidelines for use of CED devices, as well as any weapons require: research in purchasing; thorough training, accurate and complete policies and procedures; and accurate follow-up.

Further, these devices chosen for use in custodial, transportation and court settings may require additional precautions due to close-quarter proximity to the public

Effective Date:	<input type="checkbox"/> Rescinds <input type="checkbox"/> Amends	Number:
SUBJECT: CONDUCTED ENERGY DEVICES		Print Date:
Distribution: ALL SWORN PERSONNEL	CALEA Standards: CFA Standards:	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to provide deputies with guidance and direction on the use of electronic control weapons.

2. Policy

It is the policy of the agency that personnel only use that level of force objectively reasonable to perform their official duties. Conducted Energy Devices (CEDs) have been proven effective and are authorized for use in appropriate circumstances by trained personnel.

3. Definitions

- A. Conducted Energy Device (CED) - Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. This does not include the R.E.A.C.T. Belt System.

- B. A.F.I.D. (Anti Felon Identification Device) - Confetti like pieces of paper that are expelled from the cartridge when fired. Each “aphid” contains an alpha numeric identifier unique to the specific cartridge used.
- C. Active Physical Resistance - slight to moderate physical harm: a subject makes physically evasive movements to defeat a deputy’s attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the deputy to get close to him/her.
- D. Securing Under Power – A technique used to secure a subject during the activation cycle, as instructed through training.

4. **Procedures**

A. Authorized Users

- 1. Only those employees who have satisfactorily completed the agency’s approved training course shall be authorized to carry a CED. Agency members will be given annual retraining by Training on the use of a CED. The CED is approved for use both on-duty and during enforcement related off-duty.
- 2. Deputies may carry their personally owned CED and accompanying equipment with approval from the Training Division Commander. All personally owned CEDs and equipment shall comply with this policy. An approved equipment list will be available through Training. Cartridges will be issued at Material/Control & Supply for on duty use. The deputy will be responsible for all cost associated with personally owned repairs and damage to the CED or equipment. All repairs to a CED shall be completed by an authorized vendor.

B. Weapon Readiness

- 1. The device shall be carried by authorized deputies in an approved holster on the non-dominant side of the body. Those authorized to use the device and assigned outside of uniformed patrol duties may utilize other department-approved holsters, and carry the weapon consistent with department training.
- 2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- 3. Deputies approved to use the device shall be issued a minimum of one spare cartridge as a back up in case of cartridge failure or the need for reapplication. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer’s expiration requirements.
- 4. Only agency-approved battery power sources shall be used in the CED.

C. Deployment

1. Subject to the conditions below, the CED may be used when level 4 (Active Physical Resistance) or higher resistance is encountered. The justifications are the same officer/subject factors that exist in any other force decision.
 - a. The CED may be deployed in the case of a sudden attack or when a subject is actively resisting.
 1. Deputies shall evaluate other options (e.g. verbal commands, hands on techniques, OC spray) and use caution before deploying an CED in elementary schools, on young children, the elderly, females reasonably believed to be pregnant, and individuals with apparent physical disabilities impairing their mobility.
 2. Additional factors that must be considered when making use of force decisions include:
 - a. Subject Factors:
 1. Seriousness of crime committed by subject.
 2. Size, age, and weight of subject.
 3. Apparent physical ability of subject.
 4. Number of subjects present who are involved, or who may become involved.
 5. Weapons possessed by or available to the subject.
 6. Known history of violence by subject.
 7. Presence of innocent or potential victims in the area.
 8. Whether the subject can be recaptured at a later time.
 9. Whether evidence is likely to be destroyed.
 10. Indicators of attack exhibited by the subject such as but not limited to; verbalization of a hostile/aggressive intent, hostile/aggressive posturing, muscular tensing of the body, etc.
 - b. Deputy Factors:
 1. Size, physical ability, and defensive tactics expertise of the deputy.
 2. Number of deputies present or available.

3. Immediate reaction in the case of sudden attack.
4. Weapons or restraint devices available to the deputy.
5. Legal requirements.
6. Agency policy.
7. Environment.

c. The above listed subject and deputy factors are not all inclusive. Any and all determining factors must be properly articulated by the deputy(s) employing physical force.

2. The CED should not be intentionally aimed at a person's head, neck or groin.
3. The CED shall not be used in a punitive or reckless manner.
4. The CED shall not be used for extracting evidence or contraband.
5. Deployment of the CED is authorized on handcuffed, or otherwise secured subjects who present a Level 4 active physical resistance.
6. The CED should not be used in any environment where potentially flammable, volatile, or explosive material (gasoline, natural gas, propane, flammable chemical sprays, etc.) are present.
7. In preparation of deployment, the CED shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target while center mass of the chest or the legs are the secondary targets.
8. Deputies shall attempt to secure the subject under power as soon as practical, when submission/ compliance cannot be achieved through a minimal number of activation cycles.
9. The device may also be used in certain circumstances in a "touch stun" mode. This involves removing the cartridge and pressing the unit against an appropriate area based on training.
10. The CED shall be pointed at the ground in a safe direction with the safety on during administrative handling procedures.
11. No changes, alterations, modifications or substitutions shall be made to the CED. All repairs to a CED shall be completed by an authorized vendor.
12. Uniform deputies issued a CED shall carry the CED when engaged in any uniform assignment.

D. Nothing in this order shall prevent a deputy from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a

subject constitute Level 6 Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the deputy or others.

E. Reporting

Deputies shall notify his/her supervisor as soon as practical after each intentional or unintentional discharge, with the exception of function tests and training exercises, and complete the Use of Defensive Tactics/K-9 Report Form. Copies of the Use of Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards and Training. After a deputy uses a CED the deputy shall:

1. Handcuff the subject to minimize the threat of injury to either the deputy or the subject.
2. Notify emergency medical personnel when deputies respond to incidents in which it is anticipated that a CED may be activated against a person.
3. Ensure that all persons who have been exposed to a CED activation receive a medical evaluation. Agencies shall consult with medical personnel to develop appropriate medical protocols. All persons who have been subjected to a CED activation should be monitored regularly.
4. Remove the CED probes at the earliest opportunity. The CED probes shall be removed in accordance with agency approved training. CED probes that have penetrated a sensitive area including the face, groin, female breasts, or male nipple area shall be removed by medical personnel. Agencies should coordinate with medical personnel to develop training for such removal.
5. Recognize that CED probes that have struck a person's body are to be considered a biological hazard and shall be handled and disposed of in accordance with General Order: Exposure Control Program.
6. Document the injury on the Use of Force/K-9 Report Form if an injury is sustained.
7. Photograph all significant injuries. All photographs shall be forwarded to Forensics.
8. Note the absence of injuries on the Use of Force/K-9 Report Form.

F. Downloading Data

The data port on the CED stores the time and date the CED was fired.

1. During the deputy's annual inventory at Material Control/Supply, the information from the data port will be downloaded.
2. Material Control/Supply shall download from the data port information from the CED prior to any factory repairs/maintenance.
3. Only personnel assigned to Professional Standards or Material Control/Supply may download the information from the data port.

4. Supervisors or managers may request a download at any time. Any deputy issued such an order will immediately respond to this request as instructed by the supervisor.
5. Training shall prepare an annual report on the product reliability, recommended training needs and/or policy modifications related to the uses of force, which will include a section on the use of the CED.

References

Cronin, James M. and Joshua A. Ederheimer. Conducted Energy Devices: Development of Standards for Consistency and Guidance. U.S. Department of Justice Office of Community Oriented Policing Services and Police Executive Research Forum. Washington, D.C. 2006.

Donnelly, Tara, Karen Douse, Michelle Gardner, and David Wilkinson. *PSDB Evaluation of Taser Devices*. Police Scientific Development Branch, Home Office Policing and Crime Reduction Group. United Kingdom, September 2002.

About the Bureau of Justice Assistance

The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by emphasizing local control; building relationships in the field; developing collaborations and partnerships; promoting capacity building through planning; streamlining the administration of grants; increasing training and technical assistance; creating accountability of projects; encouraging innovation; and ultimately communicating the value of justice efforts to decision makers at every level.

To learn more about BJA, visit www.ojp.usdoj.gov/BJA.

About the Police Executive Research Forum

The Police Executive Research Forum (PERF) is a professional organization of progressive chief executives of city, county and state law enforcement agencies who collectively serve more than 50 percent of the U.S. population. In addition, PERF has established formal relationships with international police executives and law enforcement organizations from around the globe. Membership includes police chiefs, superintendents, sheriffs, state police directors, university police chiefs, public safety directors, and other law enforcement professionals. Established in 1976 as a nonprofit organization, PERF is unique in its commitment to the application of research in policing and the importance of higher education for police executives. Besides a commitment to police innovation and professionalism, PERF members must hold a 4-year college degree.

PERF continues to conduct some of the most innovative police and criminal justice research and provides a wide variety of management and technical assistance programs to police agencies throughout the world. PERF's groundbreaking work on community and problem-oriented policing, racial profiling, use of force, less-lethal weapons, and crime reduction strategies has earned it a prominent position in the police community. PERF is one of the founding agencies of the Community Policing Consortium and the Commission on Accreditation for Law Enforcement Agencies (CALEA). PERF continues to work toward increased professionalism and excellence in the field through its publications and training programs. PERF sponsors and conducts the Senior Management Institute for Police (SMIP), which provides comprehensive professional management and executive development training to police chiefs and law enforcement executives. Convened annually in Boston, SMIP instructors include professors from leading universities, but primarily from Harvard University's Kennedy School of Government.

PERF's success is built on the active involvement of its members. The organization also has types of membership that allow the organization to benefit from the diverse views of criminal justice researchers, law enforcement professionals of all ranks, and others committed to advancing policing services to all communities. As a nonprofit organization, PERF is committed to the application of research in policing and to promoting innovation that will enhance the quality of life in our communities. PERF's objective is to improve the delivery of police services and the effectiveness of crime control through the exercise of strong national leadership, the public debate of criminal justice issues, the development of a body of research about policing, and the provision of vital management services to all police agencies.

PERF has developed and published some of the leading literature in the law enforcement field. Recently, PERF released two publications on contemporary law enforcement issues. The books—*Chief Concerns: Exploring the Challenges of Police Use of Force* and *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*—serve as practical guides to help police leaders make more informed decisions. In addition, PERF has released a series of white papers on terrorism in the local law enforcement context, *Protecting Your Community from Terrorism: Strategies for Local Law Enforcement*, which examined such issues as local-federal partnerships, working with diverse communities, bioterrorism, and intelligence sharing. Other recent publications include *Managing a Multijurisdictional Case: Identifying Lessons Learned from the Sniper Investigation* (2004) and *Community Policing: The Past, Present and Future* (2004). Other PERF titles include the only authoritative work on racial

profiling, *Racial Profiling: A Principled Response* (2001), *Recognizing Value in Policing* (2002); *The Police Response to Mental Illness* (2002); *Citizen Review Resource Manual* (1995), *Managing Innovation in Policing* (1995); *Crime Analysis Through Computer Mapping* (1995); *And Justice For All: Understanding and Controlling Police Use of Deadly Force* (1995); *Why Police Organizations Change: A Study of Community-Oriented Policing* (1996); *Police Antidrug Tactics: New Approaches and Applications*; *Under Fire: Gun-Buy Backs, Exchanges and Amnesty Programs* (1996). PERF publications are used for training, promotion exams, and to inform police professionals about innovative approaches to community problems. The hallmark of the program is translating the latest research and thinking about a topic into police practices that can be tailored to the unique needs of a jurisdiction.

To learn more about PERF visit www.policeforum.org.

About the National Sheriffs' Association

The National Sheriffs' Association, now in its sixty-eighth year of serving law enforcement and other criminal justice professionals of the nation, is a non-profit organization dedicated to raising the level of professionalism among those in the criminal justice field.

Through the years, NSA has provided programs for Sheriffs, their deputies, chiefs of police, and others in the field of criminal justice to perform their jobs in the best possible manner and to better serve the people of their cities, counties or jurisdictions.

Appendix A – Cover Letter and Survey



October 23, 2006

SHERIFF
AGENCY
ADDRESS
ADDRESS
CITY, STATE ZIPCODE

Dear SHERIFF:

The Police Executive Research Forum (PERF) and the National Sheriffs' Association (NSA) are currently assisting the Bureau of Justice Assistance (BJA) with a national survey of sheriffs' offices. Together—representing PERF and NSA—we write to encourage you to respond to an important survey regarding the use of conducted energy devices (CEDs), commonly referred to as Tasers, or similar weapons (e.g., stun belt, electronic shield) in custodial settings. This survey is being sent to approximately 300 sheriffs' offices across the United States and all responses will be kept confidential. The survey responses will produce valuable aggregate information concerning the current use of CEDs in a custodial setting. The project will result in the development of policy guidelines covering the use of these devices in such an environment, and help sheriffs to make more informed policy decisions. Upon completion of the project, the final report will be sent to all participating agencies. **We request that you submit a completed survey by November 17, 2006.**

There are three ways to respond to this survey. If at all possible, we prefer that you use the Internet method as it reduces our data entry time and promotes accuracy. You may:

- 1) *Complete the survey online at: <http://survey.policeforum.org/CEDcustodialsetting.pdf>;
- 2) Fax your completed survey to Bruce Kubu at 202-466-7826; or
- 3) Mail your completed survey in the enclosed envelope to:

Bruce Kubu – CED Custodial Setting Survey
PERF
1120 Connecticut Avenue, NW, Suite 930
Washington, DC 20036

*NOTE on choosing the Internet option: If you choose to complete the survey via the Internet, you will be prompted for your User Name of {BJACED} and Password of {CUSTSETTING}. You will also have to enter your ID NUMBER in the field at the top right corner of the screen. Your agency's ID NUMBER is XXX. Without entering these three items, you will be unable to complete the survey online.

We appreciate your assistance with this important survey. If you have any questions, or need another copy of the survey, please contact Bruce Kubu at PERF by phone, 202-454-8308, or email, bkubu@policeforum.org. Again, **we request that you submit a completed survey by November 17, 2006.**

Sincerely,

Chuck Wexler
Executive Director
Police Executive Research Forum

Tom Faust
Executive Director
National Sheriffs' Association



Conducted Energy Device (CED): Use in a Custodial Setting



ID NUMBER

The Police Executive Research Forum (PERF), in partnership with the National Sheriffs' Association (NSA), is assisting the Bureau of Justice Assistance (BJA) with a survey designed to examine issues surrounding the use of a conducted energy device (CED) or similar weapon (e.g., stun belt) in a custodial environment. The project will result in the development of policy guidelines covering the use of these devices in such an environment, and help Sheriffs to make more informed policy decisions.

As a reminder, all agency responses will be kept confidential.

We appreciate your contribution to this very important project.

INSTRUCTIONS

- If you have any questions regarding the survey, please contact Bruce Kubu (202-454-8308 or bkubu@policeforum.org) or Jim Cronin (202-454-8319 or jcronin@policeforum.org).
- Do not leave any items blank.
- Please use either blue or black ink and print as neatly as possible using only CAPITAL letters.
- There are three ways to respond to this survey. If at all possible, we prefer that you use the Internet method as it reduces our data entry time and promotes accuracy. If completing the survey online, please make sure to enter your ID NUMBER, which is located at the top right of this page. Without the ID NUMBER, you will not be able to complete the survey online.

1 - An electronic version of this questionnaire is located on the Internet at:
<http://survey.policeforum.org/CEDcustodialsetting.pdf>

If you choose to complete the survey via the Internet, you will be prompted to enter the following information:

USER NAME: BJACED
PASSWORD: CUSTSETTING
ID NUMBER:

2 - Fax the completed survey to the Police Executive Research Forum at (202) 466-7826.

3 - Mail the completed survey to:

Bruce Kubu - CED Custodial Setting
Police Executive Research Forum
1120 Connecticut Ave.
Suite 930, NW
Washington, DC 20036

- Please retain a copy of the completed survey for your records as project staff may call to clarify responses.

*****PLEASE NOTE:** For the purposes of this survey, the term "CED" is used to refer to all conducted energy device weapons, including, but not limited to, Tasers, Stingers, stun belts, stun shields, and Sticky Shockers, among other weapons.



Conducted Energy Device (CED): Use in a Custodial Setting



ID NUMBER

7. How many of each of the following CED-type weapons does your agency possess for use by its sworn staff?

Weapon type

CED (e.g., Taser, Stinger)	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>				
CED/stun belt	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>				
CED stick (e.g., shock stick)	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>				
Electronic shield (CED Shield)	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>				
Other CED weapon (please specify):	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>				

8. Please complete the table below indicating whether or not a specific transportation type is utilized by your agency AND, if so, how many CED activations occurred in that type during 2005.

	Is this transportation type utilized?		If utilized, <i>approximately</i> how many CED activations occurred in this particular setting in 2005?					
Patrol cars (caged)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Patrol cars (non-caged)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Vans	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Buses (partitioned)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Bused (non-partitioned)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Fixed wing aircraft	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Helicopters	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency
Walking (e.g., pedway)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr> <td style="width: 25px; height: 20px;"></td> </tr> </table>					<input type="checkbox"/> Not applicable, this transportation type is not utilized by this agency

8a. Of all of the CED activations listed in Question 8, approximately what percentage of the activations involved a prisoner with an apparent mental illness?

<table border="1" style="border-collapse: collapse; width: 60px; height: 20px;"> <tr> <td style="width: 15px; height: 20px;"></td> <td style="width: 15px; height: 20px;"></td> <td style="width: 15px; height: 20px;"></td> </tr> </table>				%	<input type="checkbox"/> Don't know

9. In which of the following locations does your agency maintain custody of a prisoner? Please mark all that apply.

- | | |
|---|--|
| <input type="checkbox"/> Vehicle transport | <input type="checkbox"/> Courtroom |
| <input type="checkbox"/> Walking transport | <input type="checkbox"/> Temporary holding facility (station jail) |
| <input type="checkbox"/> Medical facility | <input type="checkbox"/> Main detention center |
| <input type="checkbox"/> Temporary courtroom holding facility | <input type="checkbox"/> Other (please specify): |



Conducted Energy Device (CED): Use in a Custodial Setting



ID NUMBER

10. Which of the following conducted energy devices (CED) does your agency authorize for use in the following locations?

Weapon type	<u>Locations</u>			
	Vehicle Transport	Walking Transport	Medical Facility	Temporary Courtroom Holding Facility
CED (e.g., Taser, Stinger)	<input type="checkbox"/> Yes <input type="checkbox"/> No			
CED/stun belt	<input type="checkbox"/> Yes <input type="checkbox"/> No			
CED stick (e.g., shock stick)	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Electronic shield (CED Shield)	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other CED weapon (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No			

(Question 10 continued from above)

Weapon type	<u>Locations</u>		
	Courtroom	Temporary Holding Facility (station jail)	Main Detention Center
CED (e.g., Taser, Stinger)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
CED/stun belt	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
CED stick (e.g., shock stick)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Electronic shield (CED Shield)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other CED weapon (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

11. From which locations do most prisoner escape attempts occur? Please mark only one response.

- Vehicle transport
- Walking transport
- Medical facility
- Temporary courtroom holding facility
- Courtroom
- Temporary holding facility (station jail)
- Main detention center
- Other (please specify):

Not applicable - our agency has never experienced a prisoner escape attempt



Conducted Energy Device (CED): Use in a Custodial Setting



ID NUMBER

12. Which statement BEST describes your agency's policy governing CED deployment?

- My Department has a stand-alone CED policy governing deployment that is separate from our use-of-force policy
- My Department's CED policy is part of our general use-of-force policy
- My Department does not have a written policy concerning CED deployment (skip to Question 14)
- Other (please specify):

13. In which of the following situations would your agency allow a Deputy by policy to activate a CED against a prisoner?

- ...in a vehicle (e.g., patrol car, prisoner transport vehicle)?..... Yes No
- ...if partially restrained (i.e., wrist restraints/handcuffs only)?..... Yes No
- ...if fully restrained (i.e., wrist restraints, belly chains and leg restraints)?..... Yes No
- ...if not restrained (i.e., no restraints are being utilized)?..... Yes No
- ...in a courtroom against a defendant/prisoner?..... Yes No
- ...in a courtroom against unruly public attendee(s)?..... Yes No
- ...in transport (e.g., car, bus, van)?..... Yes No
- ...in a hospital or other medical facility?..... Yes No
- ...against an individual with a civil mental commitment order?..... Yes No
- ...against a minimum security prisoner?..... Yes No
- ...against a prisoner offering passive resistance (e.g., dead weight)?..... Yes No
- ...against a prisoner offering active, physical resistance (e.g., combative)?..... Yes No
- ...against a prisoner during a cell extraction?..... Yes No
- ...against a prisoner known to be HIV positive?..... Yes No
- ...against a prisoner who is pregnant?..... Yes No
- ...against a prisoner who is a juvenile?..... Yes No
- ...against a prisoner who is fleeing?..... Yes No
- ...against a prisoner who is defined by your agency as frail/extremely thin and/or obese?.... Yes No
- ...against a prisoner who is defined by your agency as elderly?..... Yes No
- ...against a prisoner who has obvious physical impairments?..... Yes No
- ...against a prisoner who has obvious mental impairments?..... Yes No
- ...against a prisoner who is under the influence of drugs and/or alcohol?..... Yes No
- ...against a prisoner who is harming, or threatening to harm him/herself?..... Yes No

