# 2022 Directives

- **22-004 Suspension of Video and Audio Retention Policies**

**Los Angeles County Sheriff's Department**
**CUSTODY OPERATIONS DIRECTIVE**
**Custody Support Services**

Custody Directive: 22-004 Date: May 9, 2022

Issued For: Custody Operations

## SUSPENSION OF VIDEO AND AUDIO RETENTION POLICIES

### PURPOSE

The purpose of this Custody Operations Directive is to suspend Department and Division video and audio retention policies and order all Custody Operations personnel to preserve all video and/or audio recordings until the suspension of retention policies is lifted.

### ORDER

The State of California Attorney General has directed the California Department of Justice (DOJ) to conduct a comprehensive investigation of the Los Angeles County Sheriff's Department. This investigation triggers important legal obligations, including preserving all potentially relevant materials in response to this investigation and/or reasonably anticipated litigation.

Accordingly, to avoid any spoliation of potential evidence, Custody Operations personnel **shall** retain all video and audio recordings presently in their possession. Until further notice, all normal policies regarding video and/or audio retention or destruction shall be suspended. Personnel shall not alter, remove, or modify any video or audio recordings in their possession.

This mandate also extends to, but is not limited to, any video or audio recordings on any County and/or Department issued computer, laptop, or handheld electronic device. It also extends to video and/or audio recordings from any device, including personal devices, used in the scope of employment.

The existence of copies elsewhere or identical copies in possession of third parties (i.e. contract attorneys) will not excuse any destruction of video or audio recordings.

Additionally, if any employees leave the Sheriff's Department's employment during this investigation, unit commanders shall take the necessary steps to protect and preserve the evidence retained by that employee.

Questions regarding this directive should be directed to Custody Support Services Bureau[REDACTED TEXT].

## • 22-005 Updated Procedures for the Use of the Conducted Energy Weapon (CEW)

**Los Angeles County Sheriff's Department**
**CUSTODY OPERATIONS DIRECTIVE**
**Custody Support Services**

CUSTODY DIRECTIVE: 22-005 DATE: January 2, 2024

ISSUED FOR: CUSTODY OPERATIONS

# UPDATED PROCEDURES FOR THE USE OF THE CONDUCTED ENERGY WEAPON (CEW)

## PURPOSE

The purpose of this Custody Operations Directive (COD) is to update Custody Services Division use of force procedures delineated in Custody Division Manual (CDM) section 7-08/030.00, "Electronic Immobilization Device (TASER) Procedures," pertaining to use of the Conducted Energy Weapon (CEW), previously referred to as the electronic immobilization device (TASER).

Department personnel assigned to and/or working in any Custody Services Division facility, Sheriff's Department station jail, or Court Services Division courthouse lock-up shall adhere to the procedures below.

## ORDER

CEWs are designed to temporarily incapacitate a subject from a safer distance than other force options, while reducing the likelihood of death or serious injury. Any use of force, however, including the use of a CEW, involves risks that a subject may be injured or die due to the effects of the CEW, physical incapacitation, physical exertion, unforeseen circumstances, or individual susceptibilities.

As with all use of force, a Department member's activation of a CEW against a person must be objectively reasonable. The CEW shall only be used to facilitate a safe and effective response to situations which jeopardize the safety of personnel, inmates, the public, and/or the security and operations of custody facilities, station jails, or courthouse lockup areas.

The CEW shall not be used in a manner that contradicts the manufacturer's recommendations or Department

training.

When time and circumstances permit, the inmate's medical records and mental health records shall be checked before a CEW is used against the inmate. A CEW shall not be used if it is contra-indicated in the inmate's medical records unless it is necessary to prevent imminent loss of life or serious bodily injury.

Personnel discharging a CEW in a custody facility shall, when feasible, request the response of a sergeant. Personnel discharging a CEW in a Sheriff's Department station jail or Court Services Division courthouse lock-up shall, when feasible, request the response of a sergeant or designated supervisor.

## DEFINITIONS

Conducted Energy Weapon (CEW): A device that uses propelled probes and wires or direct contact to conduct electrical energy to affect the sensory and motor functions of the nervous system.

Probe Mode: Utilizes a combination of processes to propel two probes on wires from a cartridge. The CEW sends a measured electrical charge to the subject via these small wires and probes.

Drive Stun Mode: The front electrodes on the CEW, or the electrodes on an expended cartridge attached to the front of the CEW, are brought into direct contact (bare skin or over clothing) with a subject's body to deliver a localized electrical charge. Drive stun mode by itself may only affect the sensory nerves and may not produce neuromuscular incapacitation as when probe mode or a three-point drive stun are employed.

Three-Point Drive Stun: Using a CEW in drive stun mode, to complete or supplement a closed circuit created by a CEW used in probe mode. When one of the probes has missed the subject, the drive stun mode can be employed to create the second point of contact. When both probes have made contact, the follow-up drive stun allows a third point of contact that can provide a wider separation between contact points thus increasing the effectiveness of the CEW application.

## GENERAL GUIDELINES FOR USE

Department members assigned to Custody Services Division facilities, Sheriff's station jails, or Court Services Division courthouse lockups should attempt to de-escalate situations before using a CEW, consistent with CDM section 7-01/010.00, "Force Prevention Principles."

Personnel shall adhere to the below additional requirements and guidance for the use of a CEW:

- Personnel shall only use a Department-approved CEW.
- Personnel must successfully complete the Department's CEW training program presented under the direction of the Custody Training and Standards Bureau (CTSB).
- Personnel are required to maintain current certification for use of a CEW.
- Custody assistants assigned to a Custody Services Division facility may not use a CEW, even if previously trained on the weapon by another division within the Department.
- Custody assistants assigned to either a station jail (Patrol Operations Divisions) or a court lock-up (Court Services Division) may use a CEW as permitted by policies for those divisions.
- Personnel issued or assigned to carry a CEW, shall carry the CEW on their person while on-duty.

- Confusing a handgun with a CEW could result in death or serious injury. Department personnel should not hold both a firearm and a CEW at the same time.
- Personnel shall carry the CEW in a Department-approved CEW holster on the non-gun side in a manner forcing a cross draw or off-hand draw, as specified in the Department-approved CEW training program.
- Personnel authorized to wear a tactical vest may carry the CEW within the vest, to be worn opposite the side of the firearm.
- The investigating supervisor is responsible for ensuring the information from the CEWs that were used, are downloaded and the download printouts are submitted with the Supervisor's Use of Force Report (SH-AD 438).

## PERSONALLY OWNED CEW

Department personnel who purchase a CEW shall only carry Department-authorized CEWs whether on or off-duty. Department personnel shall only use personally owned CEWs in accordance with this COD.

Personnel may carry personally owned CEWs after approval of their unit commander and after inspection by CTSB.

Personally owned CEWs shall be numerically identifiable and available for computer download upon the request of a supervisor or during regular download intervals as defined in CDM section 7-08/030.05, "TASER Download Procedures."

Department personnel shall record all personally owned Department-authorized CEWs (carried on-duty and off-duty) with the Personnel Administration Bureau when the devices are purchased, obtained, sold, disposed of, lost, or stolen.

## SHIFT PREPARATION AND SPARK TEST

All CEWs shall be marked to differentiate them from firearms and any other device as prescribed by the Department's Weapons Training Unit.

Personnel shall maintain their assigned or personally owned CEW in good working order:

- At the beginning of every shift, personnel shall remove the cartridge (if applicable) and conduct a spark test (display the electrical arc) to test the function of the CEW. Personnel shall complete this spark test in a safe manner and outside the presence of inmates. Completing a spark test in a safe manner means pointing the device in a safe direction and, if applicable, removing the cartridge and setting it down at least two inches from the device before starting the spark test.
- Personnel shall log the time of the spark test, the estimated remaining battery life, and the name of the employee conducting the spark test within the "Additional Information" section of the e-UDAL/UDAL.
- Personnel shall log any additional discharges of the CEW during the shift in the e-UDAL/UDAL and state the reason for the discharge (e.g., CEW successfully tested by Dep. Smith (#601010) at 1114 hours in the staff station re: new battery).

## VERBAL AND VISUAL WARNINGS

Unless it would compromise the safety of personnel or is impractical under the totality of the circumstances, personnel shall give a verbal warning of the intended use of the CEW before activating the device in either probe or drive stun mode in order to:

- Provide the inmate with a reasonable opportunity to voluntarily comply; and
- Provide other personnel and individuals with a warning that a CEW may be activated.

In addition to a verbal warning, and if it appears both reasonable and practical under the circumstances, personnel may display the electrical arc (spark test) as a visual warning in a further attempt to gain compliance. If the CEW is used in this manner, and the CEW is not later used upon an inmate, personnel shall verbally notify their immediate supervisor of the permanent rank of sergeant (or higher). That supervisor will determine whether the verbal or visual warning prevented a use of force and will document that prevention per CDM section 7-01/010.05, "Reporting Prevented Uses of Force."

Personnel shall document whether they did or did not give a verbal warning in any related reports. Clear articulation about why personnel did not give a verbal warning is required. Merely using phrases such as, “element of surprise was needed” or “for deputy safety” will not be considered sufficient articulation.

## USING A CEW AGAINST AN INMATE

Personnel may only use a CEW on an inmate who is posing an immediate threat to themselves or others when the circumstances perceived by personnel at the time indicate the CEW application is objectively reasonable to control the inmate. It may be appropriate to use a CEW when an inmate:

- is violent; and/or
- has demonstrated, by words or actions, an intention to be violent, and reasonably appears presently capable of causing physical harm to themselves, Department personnel who approach within contact range, or others.

The use of a CEW on inmates in certain situations should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to Department personnel, the inmate, or others, and the Department member reasonably believes that the need to control the individual outweighs the risk of using the device. These situations include:

- Handcuffed inmates or inmates otherwise restrained unless the inmate is assaultive and presents an immediate threat of injury to a Department member or another person, and unless there are no other more reasonable means to control the inmate.
- Inmates detained in a police vehicle.
- Inmates in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- Inmates near flammable or combustible materials or fumes.
- Inmates near any body of water that may present a drowning risk.
- Inmates believed to have a cardiac pacemaker.
- Inmates on an elevated platform (e.g., bunk, staircase, ladder, wall, roof, ledge, walkway, balcony, etc.).
- Inmates believed to be pregnant, unless deadly force is justified.
- Inmates who appear infirm or with obviously low body mass; and/or

- Inmates with known medical conditions, which may be aggravated or affected by the use of a CEW.

Each individual activation of the CEW must be in response to an immediate threat posed by the inmate. A subsequent activation may not be justified even seconds later if the immediate threat giving rise to the initial use of force has been eliminated and no other immediate threat is identified.

Depending on the placement of the probes, an inmate may not be able to physically respond to further instructions. A mere failure to respond to instructions is not sufficient justification for additional CEW discharges.

CEW exposure causes certain effects, including physiologic and metabolic changes, stress, and pain. According to the manufacturer, in some individuals the risk of death or serious injury may increase with cumulative CEW exposure. Repeated, prolonged, or continuous CEW applications may contribute to cumulative exhaustion, stress, cardiac, physiologic, metabolic, respiratory, and associated medical risks, which could increase the risk of death or serious injury.

Personnel should minimize repeated, continuous, or simultaneous exposures. Unless it would compromise the safety of personnel or is impractical under the totality of the circumstances, personnel must give the inmate a reasonable amount of time to recover from any application before activating it on the inmate again. The goal is to provide the inmate with a reasonable opportunity to consider the consequences of a refusal to comply with commands and allow for voluntary compliance.

If the CEW is not achieving its intended goal, other control techniques may be more appropriate as determined by the inmate’s actions and/or threat level. In these cases, personnel are encouraged to transition to a different force option or tactic that may have better results.

When possible, personnel should avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death. According to the manufacturer, the preferred target areas on a subject's front are lower center mass (below the chest) and the preferred target areas on a subject's back are below the neck area. When feasible, back shots are preferable to front shots. Department members should make reasonable efforts to avoid hitting other sensitive areas (i.e., face, eyes, head, throat, breast, groin, genitals, or areas with a known pre-existing injury).

The CEW shall not be used in any mode as a means of pain compliance upon an inmate who is only passively resisting. An inmate is passively resisting when they offer no physical or mechanical resistance to low-level physical contact but refuse to act or respond to verbal directions to stand up or move.

Merely running away from a pursuing Department member, absent any additional circumstances or factors, is not a justified reason for the use of a CEW to apprehend the inmate.

Personnel who have discharged a CEW on an inmate shall request the response of a supervisor if a supervisor has not been previously requested or is not already on-scene.

## MEDICAL EVALUATION AND TREATMENT

Personnel shall provide immediate first aid care, if needed, to an inmate who has been subjected to an application of CEW.

Personnel shall monitor the inmate subjected to an application of a CEW and immediately summon paramedics or other qualified medical personnel if:

- The inmate is exhibiting signs of distress or otherwise appears to be in need of medical attention.
- The inmate was exposed to prolonged and/or multiple applications (i.e., more than 15 seconds for a prolonged application and any length of time for multiple applications);
- The inmate is suspected of being under the influence of controlled substances and/or alcohol.
- The inmate is believed to be pregnant.
- The CEW device probes are lodged in a sensitive area, (e.g., eye, groin, female breast, head, face, neck).
- The inmate requests medical treatment.
- The inmate exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain, or who require a protracted physical encounter with multiple personnel to gain control.
    - NOTE: When possible, medical personnel shall be summoned prior to the application of the CEW any time an inmate exhibits the above signs and symptoms.

Any inmate subjected to an application of a CEW, in either the probe or drive stun mode, shall be medically evaluated and/or treated at an appropriate medical facility and medically cleared for housing.

Personnel transporting or accompanying an inmate to an outside medical facility shall inform those providing medical care that the inmate has been subjected to an application of a CEW.

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from an inmate’s body. Personnel shall treat used CEW probes as a "sharps" biohazard, similar to a used hypodermic needle, and use universal precautions when handling them.

Personnel shall document it in any related reports if they witness the refusal of medical attention by a person subjected to an application of a CEW.

## EVIDENCE COLLECTION

In all cases where personnel have used a CEW in probe mode, personnel shall collect and submit into evidence the expended cartridge, along with both probes (after medical removal) and wire. Personnel shall collect these items whether or not the probes hit the person. In all such cases, personnel should cover the sharp end of the probe with cardboard or some other rigid material to prevent the probe from puncturing the evidence package, and clearly label the package with the word “SHARP” and "BIOHAZARD" (if the probes made contact with a person's skin or bodily fluids).

If practical, personnel shall photograph any embedded probes prior to medical removal. After medical removal of any probes, personnel shall take photographs of the probe strike locations and/or any marks resulting from a drive stun.

Personnel shall photograph any probes lodged in clothing or inanimate objects as well as any deflection/ricochet marks.

Personnel shall note the serial number in their reports of any cartridges booked into evidence.

Personnel should handle misfired cartridges (where the probes have not deployed after activation) with care and package them in a rigid container to prevent an accidental discharge.

## CONTENT OF REPORTS

The following information shall be included in the incident report (SH-AD-49) and/or related reports:

- Date, time, and location of incident.
- The number of activations, the duration of each cycle, and the duration between activations.
- The estimated distance between the inmate and Department personnel when the CEW was activated, and where the inmate ended up after activation.
- The type of mode (probe or drive stun).
- Location of any probe impact.
- Location or area of the body where personnel applied the drive stun mode.
- Description of where missed probes went, if applicable.
- A description of the medical evaluation and/or treatment.
- Whether the inmate sustained any injuries.
- Whether any Department personnel sustained any injuries.
- Date, time, and identity of the person who downloaded the data from the CEW; and
- Efforts made to de-escalate prior to use of the CEW.

The policies and procedures outlined in this directive shall remain in effect until the concerned CDM section is revised and/or this directive is rescinded.

Questions regarding this directive should be directed to Custody Support Services Bureau at [REDACTED TEXT].