5-06/045.14 - CEW: Responsibilities After CEW Use

Medical Evaluation and Treatment:

Department members shall provide immediate first aid care (if needed) to a subject who has been subjected to an application of a CEW in any mode.

As soon as feasible, Department members shall put the subject into a recovery position and monitor breathing ability once they are safely controlled.

Department members shall summon paramedics or other qualified medical personnel to the scene as soon as feasible whenever a subject has sustained a CEW application in probe mode.

NOTE: If time and circumstances permit, Department members shall summon paramedics or other qualified medical personnel *before* using a CEW if the subject exhibits signs of experiencing an agitated chaotic event (e.g., extreme agitation, violent irrational behavior accompanied by symptoms such as profuse sweating, extraordinary strength beyond their physical characteristics, and/or imperviousness to pain). Any subject who has sustained an application of a CEW in any mode shall, as soon as practical, be medically evaluated at a medical facility and cleared for booking.

The Department member who transports the subject shall inform any person providing medical care or receiving custody that the subject has sustained a CEW application in any mode. Department members shall include the names of all medical professionals they notify in their force report or other relevant report.

If an Automated External Defibrillator (AED), defibrillator, or heart monitor is used on the subject during medical treatment, supervisors are to consult with medical providers and request the following information:

- Type of device used, manufacturer, model number, serial number, and who owns the device.
- Recorded cardiac rhythms and times of each monitored or recorded rhythm.
- Whether the device indicated a shockable rhythm.
- Whether the device operator delivered a “manual” defibrillation shock and if so, the number of shocks.
- Whether the device shocked the subject and, if so, identify the cardiac rhythm after each shock.
- Whether the device advised "no shock advised."
- Obtain a printout of the strips and event records from the device.
- Obtain an electronic download of the event from the device.
- Obtain a maintenance download from the device.

Supervisors are to include this information in their force report or other relevant report. Alternatively, supervisors may document a refusal by medical providers to provide this information.

If the subject refuses medical attention, such refusal shall be witnessed by the Department member and medical personnel, recorded on a body worn camera or other recording device, and shall be fully documented in related reports.

Absent extenuating circumstances, only qualified medical personnel shall remove CEW probes from a subject's body. As the probes are to be booked into evidence, Department members shall not allow medical personnel to dispose of them.

Reporting CEW Use:

Department members shall report the use of the CEW in any mode as a “Category 2" or "Category 3” use of force as defined in the MPP section 3-10/038.00, Reportable Use of Force and Force Categories.

Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved Department members should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

In addition to the requirements of MPP section 3-10/100.00 (Use of Force Reporting - Department Member Responsibilities), Department members will include the following information in their incident report (SH-AD-49) and/or any related reports:

- The Department member's observations of the subject, including a description of the subject's pre-incident behaviors and/or

  statements.

- Whether the subject appears to be emotionally disturbed, suffering from mental illness or in serious psychological distress.

- Description of the subject, including perceived gender, age, height, weight build (e.g., very thin, skinny, medium build, muscular,

  large, overweight, obese).

- Note the activation of any warning system during the incident.

- If no verbal warning was given, the reasons why a verbal warning would have compromised the safety of the Department members

  or others.

- Type and duration of physical exertion by the subject (e.g., running, fighting, pacing, throwing objects, resisting, struggling, etc.).

- The estimated distance between the subject and Department members at the time of CEW use, and the subject's location after

use.

- The location of any probe impact and the estimated distance in inches between the probes if it is safe to gather such information.

- If more than one set of probes deployed (from more than one CEW or from a multi-shot CEW), the distance between the probes

(probe spread) for each pair of probes used.

- The location or area of the body where the Department member applied the CEW in drive stun mode and whether the cartridge was

attached at the time.

- A description of the estimated location, if known, of probes that did not hit the subject, if applicable.

- A description of the effectiveness of the deployment (Did the subject respond as expected? Was there a change in the subject's

behavior?) If the CEW did not perform as expected, if known, identify the reason for the ineffectiveness (e.g., single probe hit,

clothing disconnect, intermittent connection, wire breakage, low muscle-mass deployment, small spread between the probes, low or

dead battery pack, CEW dropped, CEW subjected to a wet environment, etc.).

- The subject's post-deployment behavior (e.g., talking, resisting, standing up, sitting up, cuffed, unconscious, cooperative, etc.).

- Whether the subject appeared under the influence of alcohol or drugs.

- A description of signs of life after CEW deployment and whether the subject appeared to lose consciousness (e.g., pulse, breathing,

moaning, groaning, talking, etc.).

- If the subject appeared to lose consciousness, being as specific as possible, the estimated time gap between conclusion of the last

CEW discharge and the loss of consciousness. Unless it was a Category 3 use of force, Department members may review Body

Worn Camera footage before documenting estimated time gaps in their report. See MPP 3-06/200.55 for procedures on viewing

Body Worn Camera footage after a Category 3 use of force.

After use of a CEW on a subject, Department members assigned a CEW, which uploads data when the battery is placed in a docking station, shall exchange the battery of their CEW before the end of their shift.

Whenever a use of a CEW requires force reporting, a download of the CEW stored data and video (if applicable) shall be conducted and submitted with the force package. The handling supervisor shall verify the serial number of the involved CEW and document it in the Supervisor's Use of Force Report (SH-R-438).

Activating any warning system on the CEW in order to gain compliance, including displays of an electrical arc, an audible alert, or a visible laser as a visual or audible warning, is not a reportable use of force.

Evidence Collection:

If Department members have used a CEW in probe mode, they shall collect the expended cartridge, probes and wires, and submit them into evidence, even if the probes did not hit the subject. This task may be completed by a Department member other than the member who deployed the CEW, if necessary. Department members are not to wind the wire up and are to maintain the wire integrity to the extent possible.

Department members shall treat used CEW probes as biohazard and package them only in EVA-Safe containers provided by the Department along with the used cartridges and wires. Department members shall mark the evidence packaging with the words "SHARPS," and "BIOHAZARD." Department members shall wear medical gloves when handling used CEW probes.

Department members shall handle cartridges which have misfired with care and shall package them in a rigid container to prevent injury due to accidental discharge.

Department members shall note the cartridge serial number in evidence documentation.

Department supervisors shall photograph:

- All embedded probes before they are removed by qualified medical personnel;
- Any injuries or wounds caused by the probes once they are removed (using a ruler or other object as a scale);
- Any injuries or wounds caused by the CEW in drive stun mode (using a ruler or other object as a scale);
- Any locations on the body where probes struck but which do not have visible injuries or wounds;
- Any strikes to clothing or inanimate objects;
- Any deflection or ricochet marks;
- The locations of Department members and the subject before and after use; and

- The general area, documenting surroundings, lighting, hazards, and any other relevant information.

If a subject dies temporal to the use of a CEW, Homicide Bureau or any supervisor shall promptly send a request form (SH-R-___) to any medical providers who treated the subject before death and the Los Angeles Medical Examiner-Coroner seeking collection of the following evidence:

- Obtain hair and nail samples for forensic and medical testing.

- Obtain pre-mortem body core temperature.

- Obtain pre-mortem blood samples.

- Obtain post-mortem body core temperature as soon after death as reasonable.

- Obtain post-mortem fluid samples (including a description of where, when, how taken) (drug redistribution concerns).

- **URGENT & TIMELY: Within 24 hours**, contact the University of Miami Brain Endowment Bank

(https://med.miami.edu/programs/brain-endowment-bank) to conduct critical brain chemistry changes and dopamine reviews.

Request the assigned Medical Examiner/Coroner to call 1-800- UM-BRAIN (1-800-862-7246) for details and instructions on the

collection of brain tissue.

Investigators shall develop an annotated timeline of events between CEW deployment and time of death using medical records, medical expert assistance, and/or any available video. The annotated timeline shall include:

- Whether or not the subject was initially responsive (walking, talking, etc.) after CEW exposure(s) and if so, for how long. List the complete record of signs of life post- CEW use.

- Length of time between the CEW exposure and subject’s collapse.

- Approximate time that the subject went into distress (or died) after the last CEW deployment.

In the event of a subject death or a serious bodily injury, investigators shall collect and maintain as evidence the subject's clothing in the event the probe penetrated or was attached to clothing for later analysis of potential probe impact sites.