



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-309 Control Option- Conducted Energy Weapons (CEWs)

(xx/xx/24)

Revisions to prior policies: (08/17/07) (10/01/10) (07/16/12) (10/07/13) (09/08/20)
(12/22/20) (04/04/21) (01/01/23)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to CEWs.

II. Definitions

Apply: When a CEW is used for drive/stun applications (involving contact with the subject by the CEW).

Deploying a CEW: Using the trigger on the CEW, resulting in the ejection of probes.

Drive-Stun: When the CEW is pushed firmly against the body of the subject and the CEW is energized without deploying a cartridge.

Energizing a CEW: Energizing a CEW means cycling the electricity through successfully deployed probes, through re-energizing probes that have already been deployed, through a warning arc, or through a drive-stun application.

Probe Mode: When a CEW is used to deploy probes at a person for the purpose of achieving neuromuscular incapacitation.

Laser Painting: Un-holstering and pointing a CEW at a person and activating the laser aiming device. In some cases, this may be effective at gaining compliance without having to actually deploy probes. Also known as “red dotting”.

Warning Arc: Un-holstering the CEW and activating the arc for purposes of threatening its use prior to actual discharge or drive-stun application. The warning arc is intended to be used as a de-escalation tactic in an effort to gain compliance without discharging or applying the device on a subject.

Terms defined in P&P 5-304:

- Carry
- Display

- Engaged with a Subject
- Point
- Use

III. Policy

A. CEW as an Intermediate Weapon

The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is an intermediate weapon, but can be lethal in certain circumstances.

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

CEWs may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they shall use the lowest degree of force necessary (P&P 5-301).

When using CEWs, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Use on a fleeing subject

Officers should be aware that deploying a CEW at a subject who is fleeing may result in serious physical injury, depending on the surface and surrounding environment. Therefore, the following conditions apply:

a. Officers shall only use CEWs on subjects who are fleeing when either:

i. The officer has probable cause to believe the subject has committed one of the following offenses:

- Sexual assault involving the use or threatened use of a dangerous weapon.
- Homicide.
- 1st and 2nd degree assault.
- Aggravated robbery.
- Kidnapping.
- Firearms- felony firearm discharges, firearm pointing in violation of MN Statute section 609.66 Dangerous Weapons.

or

ii. Such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

b. Flight shall never be the sole reason for using a CEW on a person.

3. Subject factors

Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain people.

a. Except where deadly force is the only other option, officers shall **not** deploy or energize a CEW against a person when a reasonable officer would know that the person is:

- Pregnant.
- Elderly.
- A small child (typically 12 years old or younger).
- A visibly frail person, or person with a very thin stature or low body mass (i.e., may have thin chest walls).

b. Officers must be able to articulate a correspondingly heightened justification when activating a CEW on:

- Any juvenile (under the age of 18).
- A person in crisis (P&P 7-809).

4. Situational factors

Except where deadly force is the only other option, officers shall not deploy or energize a CEW against a person in situations when it is reasonably evident that activation may cause serious physical injury. Such situations include, but are not limited to:

- On a person in an elevated position, who might be at a risk of a dangerous fall.
- On a person who is in physical control of a vehicle in motion.
- On a person who might be in danger of drowning.
- In environments in which combustible vapors and liquids or other flammable substances are present.
- On a person who has been exposed to chemical aerosols or chemical munitions.
- On a person who has been exposed to flammable material, such as gasoline or an alcohol-based pepper spray.
- In similar situations involving heightened risk of serious injury or death to the subject.

5. People in restraints

a. Officers shall not deploy or energize a CEW on any person who is handcuffed or otherwise restrained, unless the person presents an imminent physical threat to the safety of the officer, the person themselves, or others.

- b. Prior to deploying or energizing a CEW on a restrained person, officers must first attempt to exercise additional control over the person using empty hand techniques other than strikes, when feasible.
- c. Officers shall only deploy or energize a CEW against a restrained person once all feasible empty hand techniques other than strikes have been attempted by the officer, and if the imminent threat of physical harm persists.

C. Tactics and Requirements When Using a CEW

1. Warnings

- a. Prior to deploying a CEW or applying it in drive-stun mode, officers shall provide oral warnings indicating that they intend to use the CEW unless the person submits to their authority, when it is safe and feasible to do so (in accordance with P&P 5-301).
- b. Officers shall allow a reasonable amount of time for a person to comply with a warning, when feasible to do so.
- c. The warning shall only occur in situations that an officer reasonably believes may result in the authorized use of force.
- d. Use of the CEW to laser paint (red dot) or conduct a warning arc may be effective at diffusing a situation prior to actual deployment or application of the CEW.

2. Targeting in probe mode

CEWs in probe mode shall not be intentionally targeted at the subject's head, neck, chest or groin.

3. Cycles in probe mode

When deploying a CEW, officers should energize it for one standard cycle (a standard cycle is five seconds) and shall then pause to evaluate the situation to determine if subsequent cycles are necessary.

- a. In determining whether any additional cycle is objectively reasonable, officers shall consider whether the person has the ability to comply and has been given a reasonable opportunity to comply prior to re-energizing or deploying additional cartridges.
- b. If subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control or place the subject in custody under the existing circumstances.
- c. Officers shall not deliver more than three cycles or 15 total seconds of a CEW (including probe mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.

- d. Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. If there is a need for another cycle based on the standards above, officers should immediately deploy another cartridge or transition to other control options.

4. One officer at a time

Only one officer shall intentionally deploy or apply a CEW on a person at one time.

5. Drive stun mode

- a. CEWs should generally be used in the probe mode. Officers shall only apply the CEW in drive stun mode in defensive applications, such as a countermeasure to gain separation between officers and the subject so that officers can consider other force options.
- b. Officers shall not use the CEW in drive stun mode as a pain compliance technique.
- c. CEWs shall not be intentionally applied in drive stun mode to the subject's head, neck, chest or groin, unless the use of deadly force is justified.
- d. When applying the CEW in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.
- e. Officers shall not deliver more than 15 total seconds of a CEW (including probe mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.

6. Holstering

The CEW shall be holstered on the officer's weak (support) side to avoid the accidental drawing or firing of their firearm.

7. Separate uses of force

Each deployment, application (in probe or drive stun mode) or additional standard cycle (five seconds) of a CEW is a separate use of force that officers must separately justify as objectively reasonable, necessary and proportional.

D. Loss or Damage

Lost, damaged or inoperative CEWs shall be reported to the officer's supervisor and to the MPD Training Division immediately upon the discovery of the loss, damage or inoperative condition.

E. Downloading and Inventorying

1. CEW downloading guidelines

- a. The CEW shall be downloaded when used in probe mode or drive-stun mode, prior to the end of the officer's shift.
- a. The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.
- b. If a CEW is used during a critical incident, the CEW will be inventoried by the investigating agency for processing the device log and audit trail.

2. Inventorying cartridges

Officers shall inventory the deployed cartridges and probes (P&P 10-400).

F. Treatment and Medical Aid

In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the electricity from the CEW shall include the following:

1. Probe removal

- a. CEW probes shall only be removed by appropriate medical personnel if they are embedded in a sensitive area (face, neck, groin or breast areas).
- b. Officers may remove CEW probes only if all the following conditions are met, otherwise the probes shall be removed by appropriate medical personnel:
 - The officer has assessed the person and determined that there are no indications of lasting effects from the CEW use.
 - The officer is wearing protective gloves and has adequate medical equipment including bandages and alcohol wipes.
 - The probes are removed in the presence of a second officer.
 - The officer has received training on at least an annual basis on the medical implications of CEW use, mechanisms to remove probes with limited pain, and infection control.
- c. If removing probes, officers shall secure the probes (biohazard "sharps") point down into the expended cartridge and seal with a safety cover.

2. Inspect application sites

- a. When appropriate, officers shall visually inspect probe entry sites or drive-stun locations for signs of injury.

- b. When appropriate, officers shall photograph probe entry sites or drive-stun locations.
3. Continue monitoring

Officers shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.

G. Training and Certification Required

MPD officers may only be issued, carry and use CEWs if they have successfully completed approved annual training on CEWs, including a testing component, and are currently certified.

H. Specifications for CEWs

1. Officers shall carry a CEW (if issued) while working in a uniform capacity.
2. MPD officers are only authorized to carry CEWs that are issued by the department. Personally owned CEWs, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.
3. The CEW shall comply with the following requirements:
 - a. Authorized Brand – TASER®
Authorized Model – X26
Authorized Ammunition – TASER® Brand compressed air cartridges (Department issued only)

Or

 - b. Authorized Brand - TASER®
Authorized Model - X2
Authorized Ammunition - TASER® Brand compressed air smart cartridges (Department issued only)