



Minneapolis Police Department Policy and Procedure Manual

Number:
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Volume Five – Code of Conduct and Use of Force

Use of Force

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

(01/01/26)

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I. Purpose

The purpose of this policy is to establish guidelines for deployment of conducted energy weapons (CEWs) and to ensure that members who carry weapons and force devices, and who use weapons and force devices, including CEWs, adhere to the force guiding principles described in P&P 5-301. The force guiding principles include, but are not limited to, the Sanctity of Life (as incorporated below), the Duty to De-escalate, and Objectively Reasonable, Necessary, and Proportional Force.

MPD and its members shall uphold the sanctity of life (P&P 0-102 and P&P 5-301) by striving to protect and preserve human life in all situations and keep the community and MPD members safe from harm.

II. Policy

A. CEW as an Intermediate Weapon

The MPD approved Conducted Energy Weapon (CEW) is an intermediate weapon, but can result in great bodily harm or death depending on how members use the CEW, situational factors, vulnerability of the person, duration of exposure, the area of impact on the person's body, etc.

B. Conditions for Use

CEWs may only be used on a person in accordance with the factors and requirements described below. In addition to the conditions in this policy, the use of CEWs must be objectively reasonable, necessary, and proportional, and members shall use the lowest degree of force necessary (P&P 5-301). When using CEWs members must apply the critical decision-making model (CDM) (P&P 7-801) to continually assess the situation and modulate their use accordingly as the subject behavior changes.

1. Use on a person who is **not fleeing**

Members shall only deploy a CEW at a person who is not fleeing when both of the following conditions apply:

- a. There is probable cause for arrest or reasonable suspicion for detention.

and

- b. Such force is necessary to protect the member, the fleeing person, or another person from objectively imminent physical harm.

2. Use on a fleeing person

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

- a. Flight shall never be the sole reason for members to deploy a CEW at a person.
- b. Members shall only deploy a CEW at a person who is fleeing when either:
 - i. The member has probable cause to believe the person has committed one of the following serious or violent felonies or violent misdemeanors:

Violent crimes, including crimes such as:

- Any assault (including domestic assault).
- The attempt or act of murder.
- Violent sex crimes.
- Robbery.
- Arson.
- Kidnapping.
- Carjacking.
- Felony firearm discharges.
- Firearm pointing in violation of MN Statute section 609.66 Dangerous Weapons.
- 1st degree burglary.

And these specific non-violent felonies:

- Auto theft (not including theft from motor vehicle).
- 2nd and 3rd degree burglary.

or

- ii. Such force is necessary to protect the member, the fleeing person, or another person from objectively imminent physical harm.

3. Consider vulnerable people

Members 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, members shall **not** deploy a CEW at or re-energize a CEW on a person when a reasonable officer would know that the person is:
 - Pregnant.
 - Elderly.
 - A small minor.
 - An infirm or visibly frail person, or person with a very thin stature or low body mass (i.e., may have thin chest walls).
- b. Members must be able to articulate a correspondingly heightened justification when they deploy a CEW at or re-energize a CEW on a person when a reasonable officer would know the person is:
 - Any minor (under the age of 18).
 - A person in crisis (P&P 7-803).
- c. Members shall not deploy a CEW at or re-energize a CEW on a person solely because they are exhibiting signs of a crisis (P&P 7-803). The other conditions in this policy must apply.
- d. In accordance with the requirement that the use of CEWs must be objectively reasonable, necessary, and proportional, members shall only use a CEW on a minor when no reasonably effective alternative exists, meaning lower degrees of force or alternatives to force such as de-escalation techniques and tactics did not work, would not work, were not feasible or were too unsafe to attempt.

4. Situational factors

Except where deadly force is the only other option, members shall not deploy a CEW at or re-energize a CEW on 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 risk of falling from a significant height, onto a sharp object, or onto a dangerous surface.
- On a person who may fall from a vehicle in motion.
- On a person who is in physical control of a vehicle in motion.

- On a person who might be in danger of drowning.
- In an environment 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 person.

5. People in restraints

- a. Members shall not deploy a CEW at or re-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 member, the person themselves, or others.
- b. Prior to deploying a CEW at or re-energizing a CEW on a restrained person, members must first attempt to exercise additional control over the person using empty hand techniques other than strikes (P&P 5-306), when feasible.
- c. Members shall only deploy a CEW at or re-energize a CEW on a restrained person once all feasible empty hand techniques other than strikes (P&P 5-306) have been attempted by the member, and if the imminent threat of physical harm persists.

6. Drive-stun mode is prohibited

The CEW model authorized and issued by the Department does not come equipped with a drive-stun mode, and using a drive-stun mode is prohibited.

C. Tactics and Requirements When Using a CEW

1. Warnings and announcements

In addition to the requirements in “Identify Self and Warn of Intent” in P&P 5-301:

- a. Whenever feasible, members who deploy a CEW should attempt to yell "taser, taser, taser!" prior to or during the deployment.
- b. In situations that a member reasonably believes may result in the authorized use of a CEW, the member should consider using the CEW warning alert or laser painting (a form of pointing a CEW also sometimes called “red dotting”), which may be effective at diffusing a situation prior to actual deployment.

2. Targeting the CEW

When they deploy a CEW, members shall target the person’s back or lower center mass. The CEW shall not be intentionally targeted at the person’s head, neck, chest or groin.

3. Cycles and deployment of additional probes

a. Initial deployment

Each trigger pull deploys a single probe. A minimum of two deployed probes are required to make a connection. The second probe should be deployed as quickly and accurately as possible to ensure a full-circuit connection. The initial deployment of two probes is considered a single use of force.

b. Additional probes

Each deployment beyond the initial two probes is a separate use of force that members must separately justify as objectively reasonable, necessary, and proportional. Additional probes may be deployed when the conditions for use still apply, and:

- The probes have not completed a circuit.
- The probes have completed a circuit, but the circuit is not resulting in a sufficient change in the person's behavior. For example, the position of the probes results only in localized pain and the subject behavior continues.
- A previously completed circuit fails.

c. Re-energizing

After the conclusion of a cycle where neuro-muscular incapacitation has been achieved, the member shall assess the person to determine if an additional cycle is necessary based on the person's behavior. Re-energizing the CEW is a separate use of force that members must separately justify as objectively reasonable, necessary, and proportional.

- i. In determining whether any additional cycle is objectively reasonable, members shall consider whether the person has the ability to comply and has been given a reasonable opportunity to comply prior to re-energizing the CEW.
- ii. If subsequent cycles are necessary, members shall restrict the number and duration to only the minimum amount necessary to place the person into custody or safely control the situation, and subject to the limits stated below in [II-C-3-d].

d. Three complete cycles or 15-second limit

Members shall not energize a CEW on a person for more than three complete cycles or 15 total seconds during a single incident unless deadly force is authorized, and no other non-deadly force option is feasible.

If deadly force is not authorized and members have energized a CEW on a person for three complete cycles or 15 total seconds and the person continues to present the

same subject behavior, members shall not continue with the CEW and shall transition to other control options.

4. Quickly control during the cycle

Members should consider attempting to control (and disarm when applicable) the person during the CEW cycle, when feasible. By controlling the person during the cycle, members can minimize the likelihood that the subject behavior continues, reducing the need for additional cycles.

5. Only one member deploys at a time

Only one member shall intentionally deploy a CEW at or re-energize a CEW on a person at the same time.

6. Holstering on weak side

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

D. Function Test Required

All members who have been issued a CEW shall conduct a function test at the start of any shift in a uniformed capacity. Any damage or issues with operability shall be reported to the member's supervisor and to the MPD Training Division immediately upon discovery.

E. Loss or Damage

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

F. Uploading and Inventorying

1. CEW uploading guidelines

- a. Whenever the CEW is armed during an incident, the member shall dock the CEW battery prior to the end of their shift, so the device log and audit trail can be uploaded (arming a CEW begins entries in the device log).
- b. In a critical incident, CEWs will be managed by the investigating agency.

2. Inventorying cartridges

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

G. Treatment and Medical Aid

In addition to standard medical treatment after uses of force (in accordance with P&P 5-301 and P&P 7-350), post exposure treatment for a person that has been struck by CEW probes shall include the following:

1. Probe removal

- a. Members may remove CEW probes only if all the following conditions are met, otherwise the probes shall be removed by appropriate medical personnel:
 - The member 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.
 - The probes are not embedded in a sensitive area (face, neck, groin or breast area).
 - The member has assessed the person and determined that there are no indications of lasting effects from the CEW use.
 - The member is wearing protective gloves and has adequate medical equipment including bandages and alcohol wipes.
 - The probes are removed in the presence of a second member.
- b. If removing probes, members 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, members shall visually inspect probe entry sites for signs of injury.
- b. When appropriate, members shall photograph probe entry sites.

3. Monitor the person

Members shall keep the person under close observation until they are released to medical or other law enforcement personnel and shall inform medical personnel of the CEW use.

H. Training and Certification Required

Members shall 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.

I. Specifications for CEWs

1. Members shall carry a CEW (if issued) while working in a uniform capacity.

2. Members are only authorized to carry CEWs that are issued by the Department. Personally owned CEWs and those issued by another agency are not authorized to be carried or utilized while a member is acting in their official MPD capacity.
3. The approved CEW issued by MPD is:
 - Axon TASER 10.

This model is not equipped with a drive-stun mode.

Glossary

Arming a CEW: Moving the selector switch on the CEW up to the “on” position, which activates the CID, laser and illumination, and begins entries in the device logs.

Carry Weapons and Force Devices: Having a weapon or force device on one’s person. This includes having it in a pocket, holster, or backpack or similar container, as well as having it slung or having it in hand.

CEW Warning Alert: Un-holstering the CEW and activating the alert for purposes of threatening its use prior to actual deployment. The warning alert is intended to be an effort to gain compliance without deploying probes.

Conducted Energy Weapon (CEW): An intermediate weapon that is designed to temporarily incapacitate a person from a distance, using an electrical current for neuromuscular incapacitation.

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

Energize a CEW: Cycling the electricity through successfully deployed probes or through re-energizing probes that have already been deployed.

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.”

Pointing a CEW: Directing a CEW towards a person, with the intent to use or imply the use of the weapon.

Use Weapons and Force Devices: Activating or applying a weapon’s or force device’s mechanical functions, pointing a weapon, or making contact with a person with the weapon or force device. This includes discharging a weapon such as a firearm, chemical aerosol, or impact projectile launcher, deploying a CEW, performing a CEW warning alert, activating a CEW, laser painting a person, applying handcuffs or restraints, and making bodily contact with a person with a baton or other impact weapon.