



# 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/23)

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##### I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to CEWs.

##### II. Definitions

**Activating:** Activating a CEW means engaging the Arc switch, or the trigger after probes have been discharged, to generate electricity through arcing or cycling. Activating on a subject means engaging the arc switch in touch/contact stun or drive-stun applications or engaging the arc switch or the trigger after probes have been discharged at a subject.

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

**Drive-Stun:** When the CEW is pushed firmly against the body of the subject and the arc switch is activated or the trigger is pulled without deploying a cartridge.

**Probe Mode:** When a CEW is used to discharge probes (also called darts) at a person for the purpose of 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 discharge a CEW. Also known as “red dotting”.

**Touch/Contact Stun:** Applying touch/contact stun mode is when a CEW’s electrodes contact a subject’s body and the trigger or arc button is activated with no cartridge or probes being discharged. Contact from the CEW with the subject completes the electrical circuit which causes pain but does not cause an incapacitating effect.

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

**Terms defined in P&P 5-304:**

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

**III. Policy****A. Policy and Guiding Principles**

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

**B. CEW as a Less-Lethal Force**

The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is a less-lethal form of force but can be lethal in certain circumstances.

**C. Department-Issued CEWs**

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.

**D. 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.

**E. Consistent With Policy and Training**

Officers shall only use CEWs in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

**F. Conditions for Use**

1. Subject not fleeing

Officers shall only use CEWs on subjects who are **not** fleeing when:

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

and

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

2. Subject is fleeing

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

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. Officers shall **not** use a CEW unless deadly force is the only other option when a reasonable officer would know that the person is:

- A person with heart conditions, including a person with a pacemaker or a person in a medical crisis.
- Pregnant.
- Elderly.
- A juvenile under the age of 12.
- 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:

- A juvenile 12 years of age or older.
- A person in crisis (P&P 7-809).

#### 4. Situational factors

Officers shall not activate CEWS in situations when it is reasonably evident that activation may cause serious physical injury unless the use of deadly force would otherwise be permitted. 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 operating vehicles or machinery.
- On a person who is already restrained in handcuffs unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective.
- 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 the MK-9 Pepper Fogger or other similar chemical irritants or 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.

### G. Using a CEW

#### 1. Warnings

Officers shall, unless it is not feasible to do so, give verbal warnings or announce their intention to discharge a CEW prior to actual discharge. Use of the CEWs' laser pointer (red dotting) or arcing of the CEW may be effective at diffusing a situation prior to actual discharge of the CEW.

#### 2. Cycles

When activating a CEW on a subject, personnel should activate 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 application 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 applying another cycle.
- 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 constantly reassess the need for further activations after each CEW cycle and should consider that exposure to multiple applications of the CEW for longer than 15 seconds may increase the risk of serious injury or death.
    - d. Officers shall not deliver more than three cycles or 15 total seconds of a CEW against a person during a single incident unless: deadly force is authorized, and no other non-deadly force option is feasible.
    - e. 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 discharge another cartridge or transition to other control options rather than activating continued ineffective cycles.
  3. One officer at a time  
Only one officer shall intentionally activate a CEW against a subject at one time.
  4. Drive stun mode
    - a. CEWs should generally be used in the probe mode. Officers shall only use 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 using the CEW in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.
  5. Probe mode
    - a. Officers shall target the CEW in probe mode at the lower center mass.
    - b. CEWs in probe mode shall not be intentionally targeted at the subject's head, neck, chest or groin, unless the use of deadly force is justified.
  6. Holstering

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

#### 7. Separate uses of force

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

### H. Use During Off-Duty Employment

1. Officers who use their MPD issued CEW during the scope of off-duty employment within the City shall follow MPD policy and procedure for reporting the use of force and downloading their device.
2. If officers carry their MPD issued CEW during the scope of off-duty employment outside of the City (e.g. working for another law enforcement agency) that agency shall sign a waiver (Letter of Agreement for Off Duty Employment) which indicates that certification through the Minneapolis Police Department is sufficient for use while working for that agency.

### I. Loss or Damage

Lost, damaged or inoperative CEWs shall be reported to the CEW Coordinator immediately upon the discovery of the loss, damage or inoperative condition.

### J. Downloading and Reporting

1. CEW downloading guidelines
  - a. The CEW shall be downloaded, when used in probe mode, touch/contact stun mode or drive-stun mode, prior to the end of the officer's shift.
  - b. The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.
  - c. If a CEW was used during a critical incident, the CEW will be inventoried by the investigating agency for processing video and firing data evidence.
2. CEW reporting guidelines:
  - a. When a CEW is discharged at or applied in touch/contact stun or drive-stun mode on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P 5-302. Officers shall document de-escalation attempts in their Narrative Text.
  - b. When a CEW is threatened by means of displaying, red dotting or arcing, the threatened use shall be reported in accordance with P&P 5-302.
  - c. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer's

incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.

#### **K. 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 of having been tased.
  - 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 taser 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, visually inspect probe entry sites or drive stun locations for signs of injury.
- b. When appropriate, photograph probe entry sites or drive stun locations.

##### 3. Continue monitoring

Sworn employees 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.