

Conducted Energy Device

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Device (CED)

308.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a weapon may result in fewer serious injuries to officers and suspects.

308.2.1 GENERAL PROVISIONS

Officers shall only use CEDs and cartridges that have been issued by the department. Officers assigned to uniformed patrol duties shall carry a CED while on duty if one is available. Other officers may carry a CED if one is available.

(a) Uniformed officers shall carry the CED in a cross-draw style holster on the side of the body opposite the duty firearm.

(b) Non-uniformed officers may carry the CED in a holster on the opposite side of the duty firearm or in their assigned vehicle.

(d) Before carrying a particular CED, the officer should test the weapon to ensure it is working properly.

308.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Police Inventory Center (PIC) Use of Force Coordinator should keep a log of issued CEDs devices and the serial numbers of cartridges/magazines issued to members.

Officers shall only use the CED and cartridges/magazines that have been inspected and approved by a certified weapons instructor or armorer and issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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308.3.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, them self, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual. The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

308.3.2 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Police Inventory Center (PIC) for disposition. Officers shall indicate the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

308.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the weapon, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

308.4.1 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals 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 the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (d) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

308.4.2 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

308.4.3 REPORT OF USE

Any application of a CED shall be documented in the related offense report and supplemental use of force form. A reportable application is a deployment, drive stun, display of electrical arc to a suspect, or pointing the CED laser at a suspect. Simply removing the CED from the holster is not a reportable application.

The on-board CED memory will be downloaded by the end of the shift. Photographs of probe sites should be taken unless doing so would involve a non-consensual and unauthorized inspection of a private area of the subject's body. The expended probes and wire should be collected and placed into evidence. The evidence packaging should be marked "Bio hazard" if the probes penetrated the subject's skin.

308.4.4 AFTERCARE

The CED probes shall be removed from a subject's body by the deploying officer as outlined by training. Universal precautions should be used by the officer to protect themselves from body fluids. In the case where probes have penetrated sensitive tissue areas such as: groin, eye, neck, face, or the female breast, the subject should be assessed by qualified medical personnel and may be transported to a medical center for probe removal. Additionally, officers should ensure that a paramedic or other qualified medical personnel are summoned as soon as practicable to evaluate individuals following TEW use when the person reasonably appears to be in need of medical attention or the person requests medical treatment.

308.4.5 TRAINING

See Control Devices & Specialty Munitions Policy 307.5 TRAINING FOR CONTROL TECHNOLOGIES

308.4.6 DOWNLOADING WEAPON INFORMATION

Officers shall exchange rechargeable batteries every 30 days, unless on extended leave. This allows:

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- The CED to have the most recent firmware installed.
- Retention of CED fire records.

All deployment information will be maintained by the Department for no less than the period of time established by the Airport records retention schedule, after which they may be considered for disposal.

308.5 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training.

Personnel who have been issued CEDs will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Manager. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

- (a) A review of this policy
- (b) A review of the Use of Force Policy
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin
- (e) Scenario-based training, including virtual reality training when available
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options
- (g) De-escalation techniques
- (h) Restraint techniques that do not impair respiration following the application of the CED
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety

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(j) Proper tactics and techniques related to multiple applications of CEDs

Members who fail to demonstrate proficiency with the CED or knowledge of the Use of Force Policy will be provided with remedial training. If a member cannot demonstrate proficiency with the CED or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the CED and may be subject to discipline.

All qualifications, training, and proficiency assessments shall be monitored by a certified CED instructor.