

5-06/045.01 - CEW Use of Force Terms Defined

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another. Refer to MPP section 3-10/004.00 for definitions of terms used in this chapter. Other terms used within this chapter are defined below:

- **Arcing:** Activating a CEW equipped with this function to warn a subject without discharging the probes or making physical contact.
- **CEW Cycle:** An activation of a CEW for a duration of up to five seconds.
- **Conducted Energy Weapon (CEW):** A less-lethal force alternative designed to use propelled probes or direct contact to conduct energy to affect the sensory and/or motor functions of the nervous system.
- **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly Force includes but is not limited to, the discharge of a firearm.
- **Drive Stun Mode:** The end of a CEW equipped with this function is held against the body of the subject (direct on skin or through clothing) without firing the probes. Drive stun mode delivers a localized electrical charge. On select models equipped with this function, drive stun mode may be used with or without a cartridge inserted. Probe mode is preferred to drive stun mode as drive stun mode alone does not result in neuro-muscular incapacitation (NMI), requires Department members to be at close range, and may cause marks and scars.
- **Emergent Circumstances:** Those circumstances which would cause a reasonable person or Department member to believe that a particular action is necessary to prevent imminent physical harm to an individual or the escape of a subject who poses an imminent risk of harm to others.
- **Feasible:** Considering the Department member's individual capabilities, training, and experience, reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without

increasing risk to the

Department member or another person.

- **Force Options:** Choices available to Department members in any given situation to overcome resistance, to effect an arrest, to

prevent escape, in the defense of self and the defense of others, and to gain control.

- **Less-Lethal:** A force option that, when used as designed and intended, is less likely to cause death or serious physical injury than

a conventional lethal weapon such as a firearm.

- **Neuro-Muscular Incapacitation (NMI):** When a CEW is used in probe mode it can cause NMI which is uncontrolled muscle

contractions and temporary loss of voluntary motor function.

- **Passive Resistance:** The subject is uncooperative and may be argumentative but is not a threat to the Department member or

others. The following are examples of uncooperative behavior: The subject is not responding to verbal commands and may refuse

to move by standing still, sitting down, laying down, going limp, grabbing onto a fixed object, or linking arms with others during a

protest or demonstration.

- **Probe Mode:** Two or more darts are propelled from cartridges which are designed to stimulate a portion of the subject's nervous

system with sufficient pulsed electrical energy to bring about uncontrolled muscle contractions which can override the subject's

voluntary motor function depending on the location where the probes hit.

- **Proportional:** To be proportional, the level of force must reflect the totality of circumstances surrounding the situation at hand.

Given the totality of the circumstances, there is a balance between the threat posed, the seriousness of the suspected offense, and

the amount of force used. Proportional force does not require Department members to use the same type or amount of force as the

subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater

the level of force that may be proportional, objectively reasonable, and reasonably appear necessary to counter it.

- **Serious Bodily Injury** is defined as a: A serious impairment of physical condition including, but not limited to the following: loss of

consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound

requiring extensive suturing, and serious disfigurement.

- **Three-Point Drive Stun:** The end of the CEW equipped with this function is held against the body of the subject (direct on skin or

through clothing) to complete the circuit or supplement a closed circuit after the subject has been hit with one or more probes. In a

CEW equipped with this mode, a three-point drive stun may be used to create the second point of contact if one of the two probes

has missed the subject. Department members may also use a three-point drive stun to increase the space between contact points,

thereby increasing the potential for increased NMI after both probes have hit the subject.

- **Totality of the Circumstances** is defined as: All facts and information known to or reasonably perceived by the Department

Member at the time, including the conduct of the member and the subject leading up to the use of force. Elements to be considered

are listed in "Factors in Determining the Reasonableness of Force," MPP 3-10/020.00.
