5-06/045.02 - CEW Activation Against Subjects

Department members may use a CEW in the following circumstances:

- When a subject poses an immediate threat of harm to any person; or

- When a subject needs to be taken into custody or safely controlled and the level of resistance presented by the subject is

  reasonably likely to cause injury to the Department member, subject, or any other person who comes within contact range; or

- When a person is threatening or attempting suicide and the use of a CEW would not increase the risk of serious bodily harm or

  death to that person.

In the above circumstances, all CEW use must be objectively reasonable, proportional, and reasonably appear to be necessary. The Department considers each individual activation of a CEW a separate use of force. In situations where a Department member uses multiple applications of a CEW, all of those applications will be considered a single force incident for force reporting purposes.

On certain devices such as the Taser 10, each trigger pull deploys a single probe, and the Department member must pull the trigger twice to deploy two probes to create the possibility of NMI. The deployment of two or more probes on a Taser 10 to achieve initial NMI is considered an individual activation.

Each individual activation of the CEW must be in response to an immediate threat or a sufficient level of resistance reasonably likely to cause injury posed by the subject. A subsequent activation may not be justified even seconds later if the immediate threat or level of resistance giving rise to the initial use of a CEW has been eliminated.

For CEWs capable of multiple probe deployments, Department members should not use probes from the same CEW on more than one subject absent emergent circumstances.

Department members are to continuously assess the subject and use only the number of CEW energy cycles that is proportional, objectively reasonable, and which reasonably appears to be necessary to overcome the immediate threat, take a subject into custody, or safely control a person. Department members should evaluate the situation and consider certain factors before additional applications of the CEW, including:

- Whether the need to safely control the subject outweighs the potential increased risk posed by multiple applications;

- Whether the probes are making proper contact and NMI continues;

- Whether the subject has the ability and has been given a reasonable opportunity to comply; and

- Whether verbal commands or other options or tactics may be more effective.

Department members are to minimize repeated, continuous, or simultaneous exposures to reduce the risk of death or serious injury to some particularly susceptible individuals. Once NMI is achieved, if reasonably safe and feasible to do so, Department members should consider other force options before using more than three CEW cycles or more than 15 seconds of CEW application.

Department members are to transition to other tools or tactics when they realize the CEW is not achieving the intended goal.

Once NMI is achieved, Department members are to begin control and restraint procedures, including during CEW exposure (“cuffing under power”), as soon as reasonably safe and practical. Controlling and restraining a subject during CEW exposure may put Department members at risk of accidental or unintended shock. Department members are to avoid touching the probes and wires and the areas between the probes during the electrical discharge.

Due to the possible NMI effects of the CEW once two probes contact the subject, Department members should not assume an individual will comply with commands during application of the CEW. Department members are to be mindful that in some circumstances a subject's disability, condition, or level of emotional disturbance may limit or restrict their ability to comply with directions or commands immediately following a CEW application.

Typically, Department members armed with firearms should not use a CEW if the subject poses a lethal threat. However, if other Department members are present and prepared to use deadly force, then use of a CEW as a less-lethal option in that context may be tactically appropriate.

Merely running away from a pursuing Department member is not sufficient justification for use of a CEW to apprehend a subject. Before using a CEW in probe mode on a fleeing subject, Department members shall consider the severity of the offense, the level of threat posed by the subject who is fleeing to Department members or other people, whether the subject can be recaptured later, and the risk of serious bodily injury to the subject who is fleeing.

For a CEW equipped with drive stun mode, using the drive stun mode for pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation. The practice of using a CEW in drive stun mode as a pain compliance tactic should be reserved for situations where alternative control measures cannot be used.

When time and circumstances permit, and it is reasonably safe and feasible to do so, Department members shall request a supervisor before using a CEW.

In all cases in which Department members discharge a CEW, they shall make a verbal notification to the responding supervisor (with a minimum rank of sergeant) as soon as safely possible.

The Department acknowledges that this policy on the use of a CEW against a subject does not cover every situation that may arise. The involved Department members must be able to articulate the reasons their actions deviated from this policy.