



# Faribault County Sheriff's Office

Office: (507) 526-5148 • Fax: (507) 526-3051  
320 Dr. H. Russ Street • Blue Earth, MN 56013

## 101 CONDUCTED ENERGY WEAPONS (TASER) POLICY

Issued Date:	11/2021
Revised Date:	03/2023
Approved By:	Michael Gormley, Sheriff; Scott Adams, Chief Deputy

### **PURPOSE:**

This policy provides guidelines for the issuance and use of the Conducted Energy Weapons (CEW).

The CEW is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

### **PROCEWURE:**

#### Issuance And Carrying CEWs

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

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the CEW and cartridges that have been issued by the Office. Uniformed deputies who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the CEW on their person.

Members carrying the CEW should perform a spark test per Taser training.

When carried while in uniform, deputies shall carry the CEW in a weak-side holster on the side opposite the duty weapon.

- a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the CEW.
- c) Deputies shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
- d) Deputies should not hold both a firearm and the CEW at the same time.

Detention deputies/jailers who are not carrying firearms are not required to carry the CEW on the weak side.

#### Verbal And Visual Warnings

A verbal warning of the intended use of the CEW should precede its application unless it would otherwise endanger the safety of deputies 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 deputies and individuals with a warning that the CEW may be deployed.

## FARIBAUT COUNTY SHERIFF'S OFFICE

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

### Use Of The CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

### *Application Of The CEW*

The CEW may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- a) The subject is violent or is physically resisting.
- b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself, or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

### *Special Deployment Considerations*

The use of the CEW 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 deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a) Individuals who are known to be pregnant.
- b) Elderly individuals or obvious juveniles.
- c) Individuals with obviously low body mass.
- d) Individuals who are handcuffed or otherwise restrained.
- e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

## **FARIBAUT COUNTY SHERIFF'S OFFICE**

The CEW shall not be used to psychologically torment, elicit statements or to punish any individual.

### *Targeting Considerations*

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the CEW probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

### *Multiple Applications Of The CEW*

Deputies should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. If the first application of the CEW appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the CEW, including:

- a) Whether the probes are making proper contact.
- b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one CEW at a time against a single subject.

### *Actions Following Deployments*

Deputies shall notify a supervisor of all CEW discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### *Dangerous Animals*

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. 304.5.7 OFF-

### *Duty Considerations*

Deputies are not authorized to carry office CEWs while off-duty.

Deputies shall ensure that CEWs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

### Documentation

Deputies shall document all CEW discharges in the related arrest/crime report and the CEW report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### *CEW Form*

Items that shall be included in the CEW report form are:

## FARIBAUT COUNTY SHERIFF'S OFFICE

- a) The type and brand of CEW and cartridge and cartridge serial number.
- b) Date, time, and location of the incident.
- c) Whether any display, laser or arc deterred a subject and gained compliance.
- d) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- e) The range at which the CEW was used.
- f) The type of mode used (probe or drive-stun).
- g) Location of any probe impact.
- h) Location of contact in drive-stun mode.
- i) Description of where missed probes went.
- j) Whether medical care was provided to the subject.
- k) Whether the subject sustained any injuries.
- l) Whether any deputies sustained any injuries.

The Training Officer should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

### *Reports*

The deputy should include the following in the arrest/crime report:

- a) Identification of all personnel firing CEWs
- b) Identification of all witnesses
- c) Medical care provided to the subject
- d) Observations of the subject's physical and physiological actions
- e) Any known or suspected drug use, intoxication, or other medical problems

### Medical Treatment

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body if the probes are in a soft tissue area. Deputies may remove probes if they are not in a soft tissue area of the body. Used CEW probes shall be treated as a sharp's biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- a) The person is suspected of being under the influence of controlled substances and/ or alcohol.
- b) The person may be pregnant.
- c) The person reasonably appears to be in need of medical attention.
- d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related

## FARIBAUT COUNTY SHERIFF'S OFFICE

reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

### Supervisor Responsibilities

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a supervisor or Taser Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### Training

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall be recertified by the office approved CEW instructor prior to again carrying or using the device.

Deputies who have been issued the CEW 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 a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for CEWs will be documented in the deputy's training file.

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

Deputies who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Officer is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training.

Application of CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

- a) A review of this policy.
- b) A review of the Use of Force Policy.
- c) Performing weak-hand draws or cross-draws 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 near the head, neck, chest, and groin.
- e) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- f) De-escalation techniques.
- g) Restraint techniques that do not impair respiration following the application of the CEW.