

GENERAL ORDER

Metro Transit Police

Subject: Conducted Electronic Weapons

Number: 132

Next review date: March 1, 2019

Effective: March 1, 2018

I. Purpose

The purpose of this General Order is to provide members with guidance and direction for the use of Conducted Electronic Weapons (CEWs).

II. Policy

It is the policy of the Metro Transit Police Department (MTPD) that members use only the level of force reasonably necessary to control or otherwise subdue violent or potentially violent persons or those persons actively resisting in a way that risks injuring an MTPD member, the person involved, or others. In determining whether force is reasonably necessary, members may be forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force necessary.

III. Definitions

Arcing – When a member presses the arcing button along the frame to activate a CEW without deploying the probes, for the purpose of testing the CEW prior to deployment and sometimes referred to as a “spark test.”

Conducted Electronic Weapon (CEW) – A general class of devices designed to disrupt a person’s sensory and motor nervous system by means of deploying battery powered electrical energy, sufficient to cause temporary Neuro-Muscular Incapacitation (NMI).

Confetti tags – Small identifying tags expelled from a CEW cartridge when a set of probes are discharged. Each confetti tag contains a serial number unique to the specific cartridge used.

Cycle – The period during which electrical impulses are emitted from the CEW following the deployment and activation of a CEW. MTPD CEW Administrators will set CEWs for five-second cycles for probe mode and drive stun mode. In any instance that electrical impulses are not emitted for the full five-seconds following deployment, a member shall consider the shortened emission period as a full cycle.

Drive Stun Mode – The placing of the CEW directly on the subject, causing electrical energy to enter the subject without the use of probes. Drive stun mode remains available for use whether or not cartridges remain in the CEW. Drive stun mode will not cause NMI unless used in combination with a probe.

Laser Painting – The act of removing the CEW from its holster, pointing it at a subject, and activating the CEW’s laser dot to show where the weapon is aimed.

Less Lethal Force – Force that is unlikely to cause death or serious injury, but the possibility of a fatality, however remote, does exist.

Neuro-Muscular Incapacitation (NMI) – A state of uncontrolled muscle contractions that override an individual’s voluntary motor responses.

Passive Resistance – A subject’s failure to cooperate by giving minimal resistance without actively interfering with, or impeding the officer; examples include going limp, and refusing to obey an order, without combining the refusal with any other action.

Probes – Projectiles with wires contained in a CEW cartridge which allow application of the electric impulse.

Probe Mode – One of the two modes for a CEW. Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve Neuro-Muscular Incapacitation (NMI).

Probe Spread – The amount of distance between probes fired from a CEW or the distance between a probe and the CEW in drive stun mode.

IV. Procedures

A. Equipment

1. Members are authorized to carry CEWs only after being qualified to do so by MTPD’s Training Division. All qualified members assigned CEWs will complete annual In-Service refresher training.
2. Members shall not carry their MTPD issued CEW when off-duty or when working in a Limited Duty status.
3. Members shall carry MTPD issued CEWs only.
4. MTPD certified CEW Administrators have authorization to conduct minor maintenance, repairs and alterations to the CEW. All other members are prohibited from making any adjustments or changes to the CEW.
5. The Training Division will be responsible for developing a training regime for the authorized equipment as well as maintaining a list of authorized and distributed equipment.
6. The Training Commander will notify members of any technical upgrades or changes from the CEW manufacturer and provide members a seven (7) day grace period to sync their devices to bring them into compliance. Members must synchronize their CEW devices no less than every 30 days.

B. Officer Responsibilities

1. Members will carry the CEW on an MTPD issued duty belt or on an outer vest carrier, in an MTPD issued CEW holster. Members shall wear the

- CEW on their support side, opposite of the firearm.
2. Members working in a plainclothes assignment may choose not to carry their CEW. Members choosing to carry their CEW while working a plainclothes assignment shall wear the CEW on their support side, opposite of the firearm.
 3. Members will carry CEWs with the safety in the "on" position.
 4. Before taking the CEW into the field, members will verify that the battery strength of the CEW is greater than 20%. If the battery strength is less than 20%, the member will contact the Training Division for a replacement battery.
 5. Members will test their CEWs prior to their shift by conducting one five-second arcing (spark) test to determine if their CEWs are functioning. Members shall not pull the trigger during this test and their CEWs will be pointed in a safe direction.
 6. Before taking a CEW into the field, members will inspect the device for any obvious damage by checking the laser, light, frame, trigger housing, and safety switch for functionality. Members will report any defects noted in their CEWs to an on-duty supervisor before starting their shift. The supervisor will take control of the defective CEW for delivery to the Training Division.
 7. Members are authorized to transport their CEW to and from their duty assignment in the same manner as they transport other MTPD issued equipment. Members are only authorized to temporarily store their CEW device in a MTPD approved wall locker at any of the following locations: Districts I and II; CID; the K-9 facility; the MED facility, or at the SOCC.
 8. Members will safeguard their issued CEW as they do all MTPD issued equipment.
 9. Members will complete a Use of Force Report for CEW related actions prior to the end of their tour.

C. Sergeant Responsibilities

1. Sergeants will inspect CEW equipment monthly to ensure proper operating condition and document those inspections accordingly.
2. Sergeants will be responsible for determining whether members have timely synchronized their CEWs in accordance with the Training Commander's directives.
3. Sergeants will respond to the scene of any deployment of a CEW and conduct a preliminary investigation.
4. Sergeants will ensure data is downloaded prior to the end of the member's tour.
5. Sergeants will ensure a use of force report is completed prior to the end of a member's tour.

D. Deployment

1. Members' use of their CEWs is comparable to a member's use of an impact weapon in the MTPD use of force continuum.
2. Members may use their assigned CEWs against subjects who are

- exhibiting active aggression or who are actively resisting.
3. Members must consider using other, non-lethal force options before deploying a CEW on any subject who: a) is visibly pregnant; b) appears, in the officer's best judgment, to be 13 years of age or younger; or, c) who is elderly.
 4. Members may use their CEW against subjects who pose a threat, or a potential threat to themselves or to others, or who are actively resisting. Each cycle of the CEW requires a member to be able to articulate a separate justification.
 5. Members will not use more than three (3) CEW cycles against a subject in the course of an encounter. If the subject has been exposed to three cycles and the member still deems the subject a danger, an active threat, or the subject is still actively resisting arrest, members must consider another use of force option.
 6. Members will not intentionally use two or more CEWs simultaneously on the same subject.
 7. Members will only use the number of CEW cycles which are objectively reasonable to overcome the immediate risk of danger to themselves, to others, or to gain compliance.
 8. Members may use a CEW against an animal attacking a member or someone else; if there is an active threat to any person(s) or other animals; or, for reasons of public safety. The member may need to turn the CEW to a horizontal position to achieve the target area along the length of the animal's body. Officer safety is paramount when removing probes from a potentially dangerous animal. The assistance of an Animal Control Officer will be requested in advance of deployment whenever time and circumstances allow.
 9. Members will not use CEWs, whether in "probe" or "drive stun" mode, on passively resisting persons who pose no immediate risk of danger to themselves, or others.
 - a. Fleeing shall not be the sole justification for a member using a CEW.
 - b. Member will not use CEWs on handcuffed subjects unless doing so is necessary to prevent them from causing significant bodily harm to themselves or to others and the member has already used lesser force which failed to produce the desired control effect.
 - c. Members will not use their CEWs on a subject holding a firearm.
 - d. Members will not use a CEW against persons who are in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters,), or who are on other moving mechanical equipment, such as escalators. This prohibition does not preclude members from using their CEWs against persons on board trains or buses.
 - e. Members will not use CEWs on persons situated on a station platform in such a way that there is a substantial risk the person will fall onto the track bed.
 - f. Members will not use the CEW on any subject known to be standing in, or next to, a body of water.

- g. Members will not use the CEW when a member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to alcohol-based OC spray, gasoline, natural gas, or propane.
- h. When practical, members may give a warning to a person prior to activating the CEW unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.

E. Use of Force

1. CEW Probes – The CEW probe delivery method is considered less lethal force; however, it should only be used against persons who are exhibiting active aggression or who are actively resisting in a manner that, in the member's judgment, presents a substantial risk of harm or injuries to the member or others. Members should consider the totality of the circumstances when deploying their CEW.
2. Drive Stun Mode – The CEW drive stun causes pain without NMI. Member must be able to articulate the same level of justification for use of their CEW in drive stun mode as for probe deployment. Members may use the CEW to supplement a probe mode deployment in order to complete the circuit for NMI, or as a countermeasure to gain separation from a subject, so that members may consider other force options. Members will not use the drive stun mode solely as a pain compliance technique against someone who is not a threat to themselves or others, or against passively resisting persons.

F. CEW Probe Removal from Suspects and Medical Requirements

1. Members will render first aid as appropriate, but will not remove any probes.
2. Members will request an EMS response for probe removal and for treatment of the suspect as appropriate. Members will ensure that the suspect is transported to a medical facility for examination and for any further treatment deemed medically necessary. When possible, members will prevent the subject from removing probes that have penetrated his or her skin.

G. CEW Reporting Requirements

1. Supervisors will notate on the daily schedule any members who carry a CEW and ensure this information is entered into CAD.
2. Members who intentionally or unintentionally deploy their CEW will immediately notify Communications. An on-duty official will respond to the scene of the deployment of the CEW and initiate an investigation. The supervisor will also ensure that appropriate notifications, reviews, and reporting requirements are completed.
3. An MTPD Crime Scene Search Officer (CSS) will collect the CEW cartridge, wire leads, probes, and confetti tags found at the scene. The probes will be stored in appropriate sharps container. If a CSS officer is

not available in a reasonable amount of time, a supervisor may direct another member to collect the confetti tags and probes.

4. Any member's use of a CEW will be included in an MTPD event report.
5. Members will notify detention facility personnel of any person who has been subjected to a CEW deployment.
6. The Watch Commander will identify an official who will be assigned to download any CEW deployment data no later than the end of that assigned shift, and then attach the CEW data to the matching Use of Force Report. The Watch Commander must authorize in writing any delay by the assigned official in downloading the CEW data beyond the end of the assigned shift. The Watch Commander will document and route all written exceptions through the chain of command to the bureau commander.
7. Members will complete a Use of Force Report for all CEW deployments. The only exception to this requirement occur when a member deploys a CEW in training, during on-duty supervised tests, the member is physically unable to or for any other demonstrative deployment approved by the rank of captain or higher.
8. Members will complete a Use of Force report, prior to the end of their shift, when they laser paint a subject and after arcing a CEW without further deployment.
9. The Commander of the Training Division will include CEW data in the Annual Use of Force Report.


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