

BEMIDJI POLICE DEPARTMENT

CONDUCTED ENERGY WEAPONS (Tasers and Electronic Devices)

POLICY #228

1) PURPOSE

This insert sets forth the Bemidji Police Department's policy regarding the training, handling and deployment of Conducted Energy Weapons such as the Taser.

2) POLICY

It is the policy of the Bemidji Police Department to provide employees for guidelines for use and deployment of Conducted Energy Weapons (Tasers or Electronic Devices) in accordance with applicable authorized use of force statutes. Consistent with the Bemidji Police Department's policy of using only the level of force reasonable and necessary to control or otherwise subdue violent or potentially violent individuals, BPD authorizes the use of the Taser by all licensed officers within this department. The primary purpose for deployment of the Taser is to protect human lives and prevent injury to officers and citizens. All employees who are authorized to carry Tasers and use force when necessary shall become familiar with and adhere to the following guidelines for Taser use.

3) TRAINING

The Taser shall only be carried and/or used by officers who have successfully completed BPD's initial and annual Taser training, each conducted only by a Certified Taser Instructor. All uses of the Taser shall be in compliance with BPD training and applicable use of force policies/statutes. BPD Use of Force Training Staff and Certified Taser Instructors are responsible for the procurement, maintenance and issuance of all department Tasers. The Use of Force Coordinator is responsible for training and re-certification of all department members.

4) GENERAL USE

- The Taser may be used in situations where non-deadly or deadly force is justified to control aggressive and/or combative subjects, thereby reducing the likelihood of injury to officers and subjects.
- An officer shall not brandish, display, or threaten the use of the Taser unless the officer can reasonably conclude that use may become, or is likely to become justified. Officers shall ensure that the Taser is deployed or discharged only in the manner in which they were trained.
- The Taser may be deployed by direct touch/stun contact when physical confrontation are in progress.
- The Taser may also be used on animals if the officer deems it necessary.

Safety considerations with use of the Taser are as follows:

- The deploying officer shall inform other officers of the presence and/or planned use of the Taser if tactically prudent and practical. Officers shall, when feasible, give the subject VERBAL WARNING before Taser use

- The Taser should not be used when the subject is in danger of falling from a significant height or when a subject is in water where drowning is a possibility.
- Used probes are considered a biohazard and must be handled appropriately. This includes the use of gloves and designated biohazard evidentiary containers by department personnel.
- Officers are to make every effort to avoid probe placement in the face, soft tissue areas which, for the purpose of this policy, are determined to be the eyes, neck, groin, or genital area.
- Officers must not overlook the aspect of injury that may result in falling from a standing position after deployment of the Taser.

Medical treatment with use of the Taser is as follows:

- When the Taser has been used on a subject, officers should offer medical treatment to the subject.
- Medical personnel must remove probes that may have penetrated soft tissue areas as described above.
- An officer/individual of the same sex should remove the probes from the subject if available.

Restricted uses of the Taser are as follows:

- The Taser shall not be used on individuals exhibiting compliant or passive resistive behavior.
- The Taser shall not be used on restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or any other person.
- The Taser shall not be used when the presence of flammable fumes, liquids, or gases are known or likely.
- The Taser should not be used on women known to be pregnant unless all other means short of lethal force have been used and failed.
- The Taser shall not be used on individuals known to be suffering from mental health crisis unless all other options for force would be ineffective.
- The Taser shall not be used in any public or private setting for demonstration purposes except when specifically approved by the Chief of Police or is part of an official training course.
- Officers shall not deploy the Taser on minors or elderly unless the actions of the subject present an immediate threat of death, great bodily harm, or substantial physical struggle that could result in injury to themselves or any other person including the deploying officer

Documentation of use of the Taser will be made as follows:

- Depending on the penetration and location of the probes and the sex of the subject, officers must make every reasonable effort to have any probe impact on the subject's person photographed. An officer/individual of the same sex should photograph probes, if available.
- Officers are required to fully document the Taser use and results in a narrative report as well as a Response to Resistance entry.

- Officers shall log the expended cartridge into evidence with appropriate warning labels.

Deployment of the Taser will be as follows:

- All uniformed officers engaged in regular patrol activities will wear their department issued Taser in an approved holster. Other staff including Detectives and Administrators occasionally working patrol duties are not assigned a Taser. These employees may not have a device available at all times.
- Tasers shall be stored in a safe and secure location when officers are off duty.
- Officers shall report any malfunction or problems to a Taser instructor or supervisor as soon as possible.
- Taser maintenance shall be performed by Taser instructors only.

Taser use without probe or drive stun deployment:

- A person who is verbally warned they will be tased and compliance is gained or additional force is used to gain compliance.
- A taser laser display is used and compliance is gained or additional force is used to gain compliance.
- A “spark demonstration” with the Taser is used and compliance is gained or additional force is used to gain compliance.

All of the above are considered Taser use and will require narrative and Response to Resistance reporting.

5) REFERENCE AND REVISION DATES

A. REFERENCE:

- a. MN State Statute 626.8452
- b. MN State Statute 609.06
- c. MN State Statute 609.065
- d. MN State Statute 609.066

B. REVISION DATE(S):

- a. 12/2/2020