

Perham Police Department

Policy & Procedure Manual

TITLE: USE OF FORCE

Minnesota statute 626.8452 subd. 1

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I. POLICY

It is the policy of the Perham Police Department to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section XIII Deadly Force, paragraphs (1-2), are effective March 1, 2021 and thereafter.

II. PURPOSE

It is the policy of the Perham Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;

MN STAT 609.06 AUTHORIZED USE OF FORCE;
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS

III. SCOPE

This policy applies to all officers of this department engaged in the discharge of official duties, whether within or outside the territorial limits of the City of Perham.

IV. STANDARDS

A. TRAINING

1. The Perham Police Department shall provide training, at least annually, on its use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
 - a. Provide techniques for the use of and reinforce the importance of de-escalation
 - b. Simulate actual shooting situations and conditions; and
 - c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. Officers will carry and use only authorized devices unless circumstances exist which pose and immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.
6. With agency approval officer may modify, alter or cause to be altered an authorized device in their possession or control.

V. DEFINITIONS

- A. **Carotid Restraint** means a method or manner of applying physical pressure to the neck or head of another with intent to incapacitate that person by rendering them temporarily unconscious.
- B. **Contact Weapons** means all objects and instruments which are used, or designed to be used, to apply force to the person of another by coming into physical contact with that person. Approved contact weapons are limited to police batons and less lethal kinetic energy impact projectiles.

- C. **Deadly Force** means force which the officer uses with the purpose of causing, or which the officer should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
- D. **De- Escalation:** taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- E. **Less Lethal Force** means any use of force other than that which is considered deadly force which does not have the purpose of causing, nor creating a substantial risk of causing death or great bodily harm.
- F. **Preparatory Use of Force** means the preparatory use of force occurs when an officer draws any type of weapon and/or levels the weapon at the subject, thus giving the subject the impression that the weapon will be used if the subject's actions dictate. For Departmental reporting purposes, the preparatory use of force does not amount to the actual use of the level of force the officer is preparing for.
- G. **Verbal Threat of Force** means the verbal threat of the use of force, provided the preparatory use of force is not present, occurs when an officer verbally gives the subject the impression that the force option will be used if the subject's actions dictate does not constitute the use of that level of force. For Departmental reporting purposes, the verbal threat of the use of force does not amount to the actual use of the level of force the officer verbally threatened.
- H. **Great Bodily Harm** shall mean bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a serious permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
- I. **Reasonable, Reasonable Grounds, Reasonably Necessary or Should Reasonably Know** When facts or circumstances the officer believes, knows, or should know, are such as to cause a reasonable and prudent officer, to act or think in a similar manner under similar circumstances.
- J. **Weapon** means any instrument used, or designed to be used, to apply force to the person by another.
- K. **Approved Device** means a device or instrument which an officer has received permission from the department to carry and use in the discharge of that officer's duties, and, for which the officer has: (1) obtained training in the required technical, mechanical, and physical aspects of the device; and (2) has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapons.
- L. **Active Countermeasures** means any weapons used which are designed expressly for the purpose of creating temporary dysfunction of a person's central nervous system. Approved active countermeasures include, but are not limited to, electronic incapacitation devices, and chemical agents.

- M. *Physical Restraint*** means an instrument used to prohibit freedom of movement in the arms or legs of a person. Approved instruments of physical restraint include; handcuffs, flex cuffs, hobble restraint, belly chain, and leg irons.
- N. *Takedown*** means the act of physically forcing another person to the ground or against another solid object for the purpose of gaining a position of advantage to control the person.
- O. *Compliance Maneuver*** means the act of physically grabbing or slapping another person, in order to gain control of the person or to prevent their escape. The use of tactical arm bars, which the officer has been specifically trained to apply, constitutes the use of a compliance maneuver.
- P. *Pressure Point Control*** is a method or manner of applying pressure to a nerve with either the hand or a contact weapon in a non-striking manner. Before applying pressure point control, an officer must have received training in the proper application of the pressure as well as training in the possible effects on the subject to which the pressure point control is being applied.
- Q. *Assault*** means action by a person against the officer, or another person, which causes the officer to reasonably fear that they, or another person, will receive bodily harm from the actor. Assault also includes the infliction or attempted infliction of bodily harm to the officer, or another person, by the actor.
- R. *Active Resistance*** means an action performed by a person who leads the officer to reasonably believe that the actor either is or will oppose the officer's actions or verbal orders. Active resistance also includes the use of verbal clues by the actor, not necessarily immediately accompanied by physical action which would lead the officer to reasonably believe that the actor intends to remain firm in opposing the officer's actions or verbal orders.
- S. *Passive Resistance*** means the act of resisting an officer by the use of nonviolent means on the part of the actor. Passive resistance includes, but is not limited to, peaceful demonstration, not moving when ordered to do so by an officer, and other nonphysical acts comply.
- T. *Choke Hold*** means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

VI. GENERAL RULES GOVERNING USE OF FORCE

- A.** It is the policy of the Perham Police Department that force can be used when reasonable in the performance of an officer's legal duties and in compliance with Minn. Statute 609.06 Authorized Use of Force, 609.065 Justifiable Taking of a Life, or 609.066 Authorized Use of Deadly Force by Police Officers. UNLESS expressly prohibited elsewhere, officers are accorded full discretion in the use of less lethal force to the extent permitted by Minn. Statute 609.06, which permits police officers to use reasonable force:
1. In effecting a lawful arrest, or
 2. In the execution of legal process, or

3. In enforcing an order of the court, or
4. In effecting any other duty imposed on the officer by law, or
5. Defense of self or another.

B. Duty to Intercede

1. Regardless of tenure or rank, an officer must intercede when:
 - a. Present and observing another officer using force in violation of section 609.066 subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
 - b. Physically or verbally able to do so.

C. Duty to Report

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

D. De-escalation:

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

E. Level of Force, Use of Force Continuum

1. Officers will be trained in the concept of progressive implementation of use of force. The Perham Police Department has adopted a use of force continuum. The continuum is designed to assist officers in selecting a justifiable level of force to control a suspect. Resistance and response are dynamic. A subject's behavior and the officer's use of force to control the subject may move up and/or down on the continuum during any given encounter. Movement along the continuum will not always be in an incremental step-by-step sequence, and the subject's actions will determine the entry point on the continuum. The officer will consider three major areas when determining the proper level of force to use. Each area has examples listed, but are not limited to listed examples.
2. Threat Assessment Observations. These observations include the subject's:
 - c. emotional state
 - d. resistive tension
 - e. early warning signs
 - f. pre-attack postures
 - g. access to weapon(s)

- h. apparent willingness to sustain or inflict injury
3. Officer/Subject Factors. These factors include the following respective strengths and weaknesses for both the officer and subject:
 - a. age
 - b. size
 - c. strength
 - d. skill level (training and experience)
 - e. backup (both officer's and subjects)
 4. Special Circumstances. Special circumstances may or may not be present in any confrontation. The officer may consider the following set of special circumstances unique to a confrontation which may cause a higher or lower level of response than would "normally" seem justified:
 - a. a sudden, unexpected assault
 - b. the officer's physical position
 - c. the officer's reasonable perception of danger
 - d. the subject's ability to escalate force rapidly
 - e. the officer's special knowledge about the subject
 - f. officer's injuries or exhaustion
 - g. timing, tools, tactics, training
 - h. other factors necessitating unusual control measures, including, but not limited to, incidence of crime in the area, nature of the call, etc.

F. Reasonable Force

1. Protracted hand-to-hand combat may be harmful to the public safety, the safety of law enforcement personnel, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of less lethal force necessary to bring a subject whom the officer intends to arrest or capture quickly under control.

G. Passive Resistance - Response

1. When an individual offers only passive resistance to arrest, an officer shall bodily remove and transport such individual with as much regard to the individual's safety and welfare as is reasonable and practical. Although the subject may not be offering active resistance, officers are authorized to immediately apply physical restraints to the offender prior to moving them with as much regard for the officer's and subject's safety as is reasonable.

H. Termination

1. Under no circumstances may any officer continue to use force (except mere physical restraint) against an individual who has ceased to resist, escape, or otherwise violate the law.

I. Use of Certain Types of Force

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:
 - a. Chokeholds
 - b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
 - c. Securing a person in any way that results in transporting the person face down in a vehicle.

2. Less than lethal measures must be considered by the officer prior to applying these measures.

J. Approved Devices

1. Officers shall carry and use only approved devices as that term is defined and restricted by Department Policy, unless circumstances exist which pose an imminent threat to the safety of the officer or the public requiring the immediate use of a non-approved device to counter such a threat. This provision shall not be construed as authorizing officers to use a non-approved device where, under the circumstances, it would be reasonable to procure approval for use of the particular weapon prior to its use.

K. Preparatory Use of Force

1. An officer may have reasonable grounds to infer, based on past experience, training, and the current circumstances that a certain weapon may be needed to properly and safely execute an appropriate level of force to ultimately control a subject even though the subject's immediate actions may not dictate the level of anticipated force. The preparatory use of force is authorized in these circumstances. Any preparatory use of force must be consistent with the actions a reasonable officer may deem necessary in a similar situation.

VII. CONTACT WEAPONS

A. Contact Weapons - Use

1. Contact weapons should be used to strike a person only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted, or the officer reasonably believes that by not using this level of force they will be assaulted unless action is taken. Contact weapons may be used only in the following manner:
 - a. To ward off blows or kicks from another person intended for the officer or another, or
 - b. To strike another for the purpose of rendering that person temporarily incapacitated, or
 - c. To restrain or disarm persons, or
 - d. In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.
 - e. Approved contact weapons include: Issued or approved batons and less lethal kinetic energy impact projectiles.

B. Precautions

1. Officers striking another person with a contact weapon should avoid intentionally striking, when reasonably possible, bodily areas likely to result in great bodily harm or death unless deadly force is authorized under this section. These areas include the head, neck, throat, armpits, elbows, ribs, and kneecaps.
2. Officers intentionally striking another person with a contact weapon should attempt to strike, when reasonably possible, bodily areas likely to result only in incapacity. These areas include

the arms, hands, legs, shins, toes, solar plexus, rear shoulder blades, buttocks, thighs, calves, and tendons or ankles.

C. Medical Attention

1. Any person struck with a contact weapon shall be given appropriate medical attention, and a report shall be submitted to a supervisor prior to going off shift.

D. Prohibition

1. Section VII is intended to prohibit the intentional striking of an individual above the shoulders. It is does not apply to an accidental striking, as a result of physical resistance or an assault upon the officer; or when use of deadly force would be authorized by this section. Contact weapons shall be used only in accordance with departmental approved training.

VIII. CHEMICAL AGENTS

A. Approved Agents

1. Approved chemical agents include: Issued chemical agents or officer supplied chemical agents approved by the Chief of Police

B. Use

1. Chemical agents should be used in accordance with departmental training. The use of chemical agents is considered to be less lethal force. Officers should consider if unintended persons would be subjected to the application of chemical agents to the suspect.

C. Termination

1. Chemical agents should not be used once an individual has stopped resistance and control has been gained by the officer.

D. Medical Attention

1. Any person who has been exposed to chemical agents should be given appropriate medical attention as recommended by the chemical manufacturer or medically necessary. A report must be submitted to a supervisor prior to going off shift.

IX. ELECTRONIC INCAPACITATION DEVICES

A. Approved Electronic Incapacitation Devices

1. The Department approved electronic incapacitation devices are the X26, X26P, X2 or X3 Taser.

B. Use

1. The Taser may be used to control an uncooperative person when attempts to subdue the subject by other more conventional tactics have failed, or when there is reason to believe they will fail, or there is reasonable expectation that a close approach to the person may bring harm to the person or officers.

2. Definition

- b. The Taser is considered a less lethal conducted energy weapon that uses propelled probes attached to wires to conduct energy to a person, thereby controlling and affecting the central nervous system of the body.

3. Effectiveness

- a. The Taser causes Neuro-Muscular Incapacitation (NMI) which overrides the central nervous system, causing uncontrollable contractions of muscle tissue.

4. Force Continuum

- a. Within the Perham Police Department's Use of Force Continuum, the Taser is an Active Countermeasure and is considered an intermediate level use of force.

C. TRAINING

1. Training in the use of the X26, X2 or X3 Taser will consist of an initial department approved user certification course. An annual recertification is required.
2. Only the officers who have completed the approved training will be authorized to carry and deploy the X26, X2 or X3 Taser.

D. FIELDING AND DEPLOYMENT**1. Fielding**

- a. The individual officer is responsible for the condition of the Taser at the beginning of the shift and at the time of deployment. At the time the Taser is prepared for service, the officer will do the following:
 1. Check the status of the battery and spark test to ensure the Taser is working correctly.
 2. Check to ensure that approved duty air cartridge is in place.

2. Deployment Planning

- a. Upon determining that the Taser is required, the following actions are recommended.
 1. Advise all present that a Taser is on scene.
 2. Ensure lethal cover is present when needed.
 3. Ensure that the Taser is not deployed near flammable liquids, fumes, or in conjunction with flammable chemical agent.

3. Deployment

- a. When practical, the following will be done:
 1. Deploying officer should alert other officers present that they intend to deploy the Taser.
 2. Upon firing, the firing officer will observe the person for effect.
 3. If the initial application is not effective and the situation allows, the firing officer may reload and fire again or use the Taser in a touch stun mode.
 4. In the event the Taser is not effective, other countermeasures will be considered.

4. Probe Removal and Subject Treatment

- a. Treatment will be as follows:
 1. Body Substance Isolation safety precautions
 2. Probes that penetrate the skin of the head, neck, groin or a female's breast shall be removed at a medical facility; otherwise an officer on the scene may remove the probes.
 3. EMS will be summoned to administer care to the subdued/compliant person if requested.
 4. Officers must be alert to secondary injuries from the fall.

5. Investigation and Reporting

- a. Incidents involving the Taser shall be investigated and documented in the following manner:
 1. Photographs should be taken of probe penetration sites and secondary injuries.
 2. Cartridge and probes will be treated as biohazard, packaged, labeled and placed into evidence.
 3. Several AFID chips should be collected from the scene, if easily locatable, and packaged, labeled and placed into evidence.

X. USE OF RESTRAINING DEVICES

A. Approved Devices

1. Only Department supplied or authorized restraining devices may be used. These include handcuffs, flex cuffs, belly chains, leg irons, and hobble restraints.

B. Use

1. An officer may handcuff/flex cuff subjects when under arrest or being transported. This provides for control of the subject and the safety of the officer and/or others that may take over custody of the subject. The officer should exercise discretion regarding minor offenses and extenuating circumstances (i.e. age, medical conditions),

C. Securing

1. Handcuffs/flex cuffs should be secured behind a subject's back to provide the most safety and control. The officer should exercise discretion regarding extenuating circumstances (i.e. age, medical conditions),

D. Limitations

1. Handcuffs/flex cuffs/belly chain cuffs should not be fastened tighter than necessary and shall always be double-locked to prevent inadvertent tightening.
2. The following limitations are placed on the use of hobble restraints:
 - a. During transport, the restraints should be placed below the knees.
 - b. While escorting the suspect, the restraints may be positioned above the knees.
 - c. The restraints will in no way be connected to handcuffs or flex cuffs which are placed about an individual's wrists, whether in front of or behind the suspect.
3. A subject should be removed from a face down position as soon as possible after any restraint is applied, and should not be transported in a face down position. Subjects should be transported sitting up, and seat belted in place.
4. When subjects cannot be transported by a squad due to the subject's conduct or condition the subject can be transported by ambulance.

XI. OTHER FORCE

A. Soft Empty Hand Techniques

1. Empty hand techniques should be used in accordance with departmental training. The use of empty hand techniques is considered to be less lethal force.

B. Hard Empty Hand Techniques

1. Hard hand techniques should be used in accordance with departmental training. The use of hard hand techniques is considered to be less lethal force.

C. Strike Techniques

1. Strikes techniques that utilize a portion of the officer's body as the contact point for the strike technique should be used in accordance with departmental training. The use of these strike techniques is considered to be less lethal force.

D. Takedown Techniques

1. Takedown techniques should be used in accordance with departmental training. The use of hard hand techniques is considered to be less lethal force.

E. Compliance Maneuver Techniques

1. Compliance maneuver techniques should be used in accordance with departmental training. The use of compliance maneuver techniques is considered to be less lethal force.

F. Pressure Point Control Techniques

1. Pressure Point Control techniques should be used in accordance with departmental training. The use of Pressure Point Control techniques is considered to be less lethal force.

G. Use of Weapon of Necessity

1. Weapon of necessity is any object, instruments or tool that an officer may find has to be used as a weapon, reasonable under the circumstances, due to actions by the subject that prevent the officer from being able to respond with an approved device.

H. Self Defense

1. Nothing in this Chapter is intended to prevent an officer from using any means or instrument available for self-defense when the Use of Deadly Force is authorized by this Policy and made reasonably necessary by the circumstances.

XII. "USE OF FORCE" REPORT REQUIRED

Whenever an officer(s) uses a level of force above level 2 (Dialogue) according to the use of force continuum, excluding the use of physical restraints, provided no other force higher than level 2 is used up to, during, or after the application of the physical restraints, in the performance of their duty, a "Use of Force" report should be completed by the primary officer for the incident and cover all uses of force for that incident.

The "Use of Force" report is not part of the case file and is only completed for administrative use to provide statistical information regarding use of force encounters. Completing the "Use of Force" report does not satisfy any requirement that an officer document any force encounter.

XIII. DEADLY FORCE

A. Use of Deadly Force Authorized

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;
 - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. can be articulated with specificity;
 - ii. is reasonably likely to occur absent action by the law enforcement officer; and
 - iii. must be addressed through the use of deadly force without unreasonable delay; or
 - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.
2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn

of his or her intent to use deadly force.

4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

B. Prohibitions

1. Deadly force shall never be used under the following circumstances:
 - a. As a warning (warning shots will not be fired);
 - b. Discharging a firearm from a moving vehicle, unless Minnesota State Statute 609.066 (Deadly Force) applies;
 - c. Discharging a firearm at a moving vehicle, unless Minnesota State Statute 609.066 (Deadly Force) applies;
 - d. In any situation where the officer doubts the circumstances required in Minnesota State Statute 609.066 (Deadly Force) exists.

XIV. INVESTIGATION OF DEADLY FORCE SITUATIONS AND OFFICER INVOLVED FATALITIES

1. This section establishes the departmental procedure to be followed when an officer is involved in any activity resulting in a fatality regardless if the use of deadly force was involved. This section also applies when an officer is responsible for the accidental or intentional discharge of any firearm, or the intentional use of deadly force, by any means, whether or not death or injury occurs as a result of the action taken.

A. Supervisory Notification

1. The immediate supervisor will be notified about the incident as soon as possible. The officer in charge of the incident shall be responsible to ensure the immediate supervisor is notified.

B. Supervisory Responsibilities

1. The immediate supervisor notified shall proceed to the scene of the incident, temporarily isolate the officer involved, and begin an investigation of the incident. This is to include the securing of witnesses and physical evidence. The immediate supervisor shall notify the Chief of Police.

C. Procedure – No Injuries

1. If the immediate supervisor determines that the incident was an accidental discharge resulting in NO injuries to any person, the procedure shall be:
2. The immediate supervisor shall proceed with the investigation of the incident and forward all reports to the Chief of Police.
3. The Chief of Police shall review all reports on the incident, and complete any further investigation or reports necessary.

D. Procedure -- Injury or Fatality

1. If the incident involves the use of Deadly Force resulting in any type of injury or fatality to any person, the procedure shall be:
2. The immediate supervisor shall proceed with a preliminary investigation of the incident and advise the Chief of Police.
3. The Chief of Police or designee will determine what additional resources are needed to ensure a complete and thorough investigation.

E. Investigation

1. The primary investigator will attempt to identify and obtain statements from all witnesses and involved persons; preserve and collect all physical evidence relating to the incident; and complete or direct the completion of all reports and written statements necessary to document the incident or investigation.
2. After giving consideration to the constitutional rights of the officer involved, the Chief of Police or designees will arrange to interview the officer involved.

F. Disposition

1. The Chief of Police shall maintain the file of reports and documents related to the case, and upon completion of the investigation, forward copies to the County Attorney, if appropriate under the circumstances.

G. Administrative Leave Required

1. The officer involved (in an incident covered by Section XIV, subdivision D) will be relieved from normal duties, and placed on administrative leave with pay for a minimum of three (3) days. During the investigation or until a final determination by the Chief of Police and/or County Attorney concerning the incident is made, the administrative leave may be continued or the officer transferred to other duties as deemed appropriate by the Chief of Police or a designee.

H. Procedural Exceptions – Use of Outside Agencies

1. Only the Chief of Police or designee shall alter this procedure. They may, at any time during the investigation, request assistance in, or completion of the investigation by another agency with the jurisdictional authority to do so.

I. Psychologist Provided

1. As soon as practical after an officer is involved in a deadly force incident resulting in a fatality or great bodily harm:
2. All personnel who were directly involved with the incident may be directed by the Chief of Police to see a psychologist retained by the City for such purposes. The purpose of this visit is to promote the officer's emotional welfare prior to returning to regular duty. The department may ascertain from the psychologist that the officer is in fact emotionally ready or not to return

to regular duty. Any other information pertaining to the mandated counseling session(s) shall remain confidential between the psychologist and officer.

XV. NEWS RELEASES

- A.** All news releases concerning the accidental or intentional discharges of weapons, use of force or the use of Deadly Force by officers, shall be released by the Chief of Police, or designee.

XVI. DESTROYING OF ANIMALS

A. Policy

- 1.** When an animal is critically injured and the humane society service is not readily available, the owner's permission shall be obtained to destroy the animal by shooting with a shotgun. If the owner is not available, the names and addresses of witnesses to verify that the animal was critically injured shall be obtained. If the owner is present, it is their responsibility to have the animal removed. The following guidelines are provided to aid officer who are required to destroy animals.
 - a.** The animal shall be removed from public view prior to destroying, whenever possible.
 - b.** The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.
 - c.** Shoot the animal from a close range (5 to 15 feet)
 - d.** Shoot down into the animal so that the projectile, if exiting the animal's body, enters the ground.
 - e.** Shoot the animal in the brain to minimize suffering. Upon destroying the animal, arrangements should be made without delay for removal of the animal's body.
 - f.** Officers will only use a shotgun to dispose of an injured animal unless the situation would dictate the use of a shotgun would be inappropriate.
- 2.** Exception: If the possibility of rabies exists, or the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body should be removed and sent to the State Department of Health.

B. Report

- 1.** Discharging a firearm in compliance to section XVI does not require a use of force report or supervisor notification.

USE OF FORCE CONTINUUM

