



CRYSTAL POLICE DEPARTMENT

Department Policy Manual

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*This policy is a mandated policy by the Minnesota Board of Peace Officer Standards and Training (POST BOARD) by MN State Statute 626.8452. This policy meets all requirements of the POST Board Model Policy.

*This policy coincides with Crystal Police Department Policy 7.2 Firearms.

PURPOSE

It is the policy of this department that 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. The purpose of this policy is to provide officers with principles and guidelines for the reasonable use of force in accordance with the following State Statutes:

- M.S.S. 609.06 Authorized Use of Force
- M.S.S. 609.065 Justifiable Taking of Life
- M.S.S. 609.066 Authorized Use of Deadly Force by Peace Officers
- M.S.S. 624.731 Tear Gas & Tear Gas Compounds; Electronic Incapacitation Devices
- M.S.S. 626.8452 Deadly Force & Firearms Use; Policies & Instruction Required
- M.S.S. 626.8475 Duty to Intercede and Report
- M.S.S. 629.30 Arrests
- M.S.S. 629.32 Minimum Restraint Allowed for Arrest
- M.S.S. 629.33 When Force May be Used to Make an Arrest
- M.S.S. 629.34 When Arrest May be Made Without Warrant

For the purpose of this policy, the term “Officer” refers to and applies to all peace officers, part-time officers, civilian employees, and volunteers of this department engaged in the discharge of official duties, whether inside or outside of the jurisdictional boundaries of the City of Crystal.

There is no way to specify the exact amount or type of reasonable force to be applied in all situations. Members of this department are expected to use these guidelines to make decisions in a professional, impartial, and reasonable manner.

PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters while carrying out their duties of protecting the public.

The department recognizes and respects the value of human life with dignity and without prejudice to anyone. It is understood that vesting officers with the authority to use lawful and reasonable force and to protect the public welfare requires a careful balancing of all human interests.

USE OF FORCE GUIDING PRINCIPLES

- Officers may only use force that is objectively reasonable and only accomplish specific law enforcement objectives.
- When feasible, officers should attempt to de-escalate confrontations and resolve encounters with a goal of not having to use force.
- Officers must use only the amount of force that is proportionate to the circumstances.
- Deadly force is only authorized as a last resort and only in strict accordance with this directive.
- Officers must promptly offer or provide medical aid for any force used based on the need of the subject.
- Employees have a duty to stop and report uses of force that violate any applicable law, this directive or any department policy.

DUTY TO INTERCEDE AND REPORT

Any officer present and observing another officer using force that is in violation of department policy and/or clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. An officer who observes another officer use force which exceeds the degree of physical force permitted by law or by department policy must report these observations to the Chief of Police, through the proper chain of command, as soon as practical to do so but within 24 hours. In addition, the officer will document what they had observed in the form of a report or an interoffice memorandum and it shall be forwarded to the Chief of Police through the proper chain of command.

DEFINITIONS

Approved Weapon: 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 obtained training in the technical, mechanical, and physical aspects of the device.

Bodily Harm: physical pain, illness or any impairment of physical condition

Chemical irritants: chemical irritants includes: C.S (Orthochlorobenzalmalononitrile), O.C (Oleoresin Capsicum) or combinations of these (i.e. - Freeze +P) and PAVA (Pelargonic Acid Vanillyl Acid, also known as Pelargonylvalillylamide, Nonivamide, Capsaicin II and/or Synthetic Capsaicin), and Repuls (Ammonium Propionate, Propionic Acid, Ammonium Citrate).

Chokehold: a method by which a person applies sufficient pressure to a person that 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 the intake of air. Chokehold 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.

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.

Deadly Force: force used by an officer that the officer knows, or reasonably should know, and/or with the purpose of creating a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

Great Bodily Harm: bodily which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Impact Weapons: objects and instruments which are used, or are designed to be used, to apply force to the person of another by coming into physical contact with a subject, either through a striking motion or in conjunction with a joint lock.

Leg Restraint Device (Hobble): a device designed to restrain the legs of a subject to prevent the subject from using their legs in a manner likely to result in injury or damage.

Less Lethal Munitions: projectiles which are flexible, nonflexible, and chemical and/or marking munitions, which are intended and designed to stun, temporarily incapacitate, or cause temporary discomfort to a subject with minimal potential for causing death or serious physical injury.

Non-Deadly Force: force that is not considered deadly force and/or force used by an officer which does not have the purpose of causing, nor create a substantial risk of causing death or great bodily harm.

Officer: for the purposes of this policy, the term "Officer" refers to and applies to all peace officers, part-time peace officers, civilian employees, and volunteers of this department engaged in the discharge of official duties, whether inside or outside of the jurisdictional boundaries of the City of Crystal. However, the level of training for an "Officer" as defined in this section, recognized the individual's level of training is determined by the job/role they perform as determined by the Crystal Police Department and in accordance with Minnesota State Statutes.

Reasonable: an objective standard viewed from the perspective of a reasonable officer without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident. Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving.

Rifle: an approved weapon which is authorized by the department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

Taser: the TASER is a hand-held, laser aimed battery operated unit. Voltage is delivered to a subject from direct contact or from two probes discharged from a cartridge connected to the unit by conductive wires. It delivers a low amperage/high voltage electrical charge that affects the neuromuscular system, which

may result in temporary involuntary muscle contractions. The contractions are intended to incapacitate the subject so that officers can place them under control.

PepperBall: PepperBall Projectiles are plastic spheres that are filled with Pelargonic Acid Vanillyl Acid (PAVA) powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the PAVA powder. PepperBall Projectiles subdue suspects with a combination of kinetic impact and PAVA powder. The sting of the impact of the PepperBall Projectiles causes a psychological impact, which is combined with the strong irritation of PAVA powder to the suspect's nose and lungs.

Exposure to PAVA powder within the PepperBall projectiles leads to a sensation of impaired breathing, burning sensation of the skin, chest tightness, involuntary eye closure, tearing and/or secretion of excessive mucous. Response to PAVA powder exposure varies among individuals. In most cases the symptoms last between five and 10 minutes. The PepperBall launching system can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

Use of Force: action used by an officer for legitimate law enforcement purposes in response to another's resistance, aggression, or force, or to gain control of a subject.

Weapon: any instrument used, or designed to be used to apply force to another person.

USE OF FORCE TO EFFECT AN ARREST AND APPLICATIONS

Officers are authorized by Minnesota State Statute 609.06 to use force in specific instances. Reasonable force may be used upon or toward another without the other's consent when the following circumstances exist or the officer reasonably believes them to exist.

- In effecting a lawful arrest;
- In execution of a legal process;
- In enforcing an order of the court;
- In executing any other duty imposed by law;
- In defense of the officer or another from bodily harm;
- In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime;
- In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another, or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment.

USE OF FORCE CONSIDERATIONS

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may influence his/her decision(s) in use of force situations.

While various types and degrees of force exist, each officer is expected to use only the amount of force which reasonably appears necessary under the circumstances to successfully accomplish a legitimate law enforcement purpose in accordance with this policy. Officers are justified in using the theory and techniques of force as instructed and taught by the Crystal Police Department Use of Force Instructors.

Circumstances may arise in which officers reasonably believe that it would be impracticable or ineffective to use any of the methods, tools, or weapons provided by the Department. Officers may find it more effective or practicable to improvise their response to rapidly unfolding conditions. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the extent which reasonably appears necessary to accomplish a legitimate law enforcement purpose.

The application of any use of force shall be discontinued once the officer determines that compliance has been achieved or other more alternatives can reasonably be utilized.

FACTORS USED TO DETERMINE THE REASONABLENESS OF THE USE OF FORCE

State statute and department policy require any use of force to be reasonable and necessary. What is reasonable and necessary will be determined by a number of factors and the totality of the circumstances. These factors and circumstances include, but are not limited to:

- Nature of the offense;
- Behavior of the subject(s) toward the police and members of the public;
- Past history of crime and/or violence, if known;
- Actions of third parties who are present;
- Physical conditions and environment factors;
- The officer's and subject's factors, including, but not limited to: age, size, strength, skill, sustained injuries, level of exhaustion, or number of officers versus subjects;
- The influence of drugs or alcohol and the mental capacity of the subject;
- The proximity of weapons or the actual physical control of a weapon;
- The degree to which the subject has been effectively restrained and hi/her ability to resist despite being restrained;
- Time and circumstances permitting, the availability of other options (what resources are reasonable available to the officer under the circumstances);
- The potential for injury to citizens, officers, and subjects;
- The potential for injury to the officer(s) or other(s) if the technique is not used;
- Whether the technique is effective in achieving an appropriate level of control;
- The risk and reasonably foreseeable consequences of escape;
- Any other exigent circumstances that can be reasonable articulated by the officer.

ELEMENTS OF CONTROL & INFLUENCE

Under normal circumstance, the types of control, influence, and force approved for legitimate law enforcement purposes and/or for the response to resistance, aggression, or forced used by officers may include:

- Canine
 - Canine used for tracking purposes only does not constitute a use of force.
 - Canine may be used to locate and apprehend a suspect if the canine handler reasonable believes that the individual has either committed, is committing, or threatening to commit a serious offense.

- Control Devices
 - Impact Devices
 - Chemical Irritants
 - Taser
 - Less Lethal Munitions
 - PepperBall
- Deadly Force
- Empty Hand Control
 - Soft Empty Hand (i.e. Escorts, Joint Manipulation)
 - Hard Empty Hand (i.e. Strikes, Takedowns)
- Handcuffs
- Leg Restraint Devices
- Officer Presence
- Verbal Direction

MEDICAL ATTENTION AFTER USE OF FORCE

Any officer that is involved in the use of force on another person other than handcuffing a cooperative subject, shall ensure that the subject has been assessed for any possible injuries resulting from the use of force and offer/provide appropriate medical assistance as needed.

Medical assistance shall be offered and/or provided to any person following any use of force when:

- The person has sustained a visible injury;
- The person expresses a complaint of injury or continued pain;
- The person requests medical attention;
- The person was rendered unconscious during the use of force encounter;
- The person is struck by a taser probe in a sensitive area;
- The person is struck by a less lethal munition in a non-targeted area of the body;
- The person is struck by a PepperBall munition in a non-targeted area of the body.

USE OF SPIT MASKS

Because of the risks of disease transmission, the use of spit masks by officers are authorized to stop or prevent persons from spitting on persons and property. A spit mask, issued by the Department, will only be applied to a spitting subject or to a subject who had indicated they intend to spit on or towards another person. The spit mask will be applied according to the manufacturer's guidelines and only when the subject will be directly monitored to ensure there is no compromise of the subject's breathing. Any use of a spit mask will be documented in a report.

HANDCUFFS

Authorized handcuffs include:

- Chain linked handcuffs

- Hinged style handcuffs
- Flex-cuff style (“Zip”) handcuffs

An individual placed under arrest by an officer may be handcuffed. Handcuffs should be removed as soon as practical and safe to do so or when the arrested person is safely confined within the jail unless circumstances reasonably indicate otherwise.

The situation may arise where it may be reasonable to handcuff an individual who is being detained prior to being placed under arrest. The officer should consider the circumstances leading to the individual being detained before deciding to handcuff an individual and officers should carefully balance these interests in determining when to handcuff an individual.

It must be recognized that officer and public safety is the primary concern. The decision whether to handcuff should be objectively reasonable in view of the totality of the circumstances presented to the officer at the time.

When used, handcuffs will be placed on the wrists of the person. Officers shall use judgment in deciding to handcuff in front or behind the body of the subject.

Once handcuffs are applied, and it is safe to do so, officers shall check the handcuffs for proper fit and double lock the handcuffs. If the subject was handcuffed in a face down position, the subject should be placed on their side or in a seated or upright position as soon as it safe and practical to do so. If at all possible, subjects shall not be placed on their stomach for an extended period of time as this may potentially reduce the person’s ability to breathe. Any subject that is laying on their stomach shall be closely monitored by officers to ensure there are no changes in the subject’s condition or ability to breathe normally.

After a preliminary investigation, it may be determined that an arrested or detained subject can be released rather than continuing with a custodial arrest. The use of handcuffs on detainees at the scene of a preliminary investigation should continue for only as long as is reasonably necessary for legitimate law enforcement purposes or to assure the safety of officers and others.

LEG RESTRAINT DEVICES

Leg restraint devices are designed to reduce the likelihood of injury to the restrained person or others and to reduce the likelihood of property damage caused by the restrained person. It prevents the subject from using their legs in a manner likely to result in injury or damage.

Only leg restraint devices issued by the department shall be used, and only in the department approved manner for temporary immobilization of the legs. The restraint will only be used to immobilize a person’s legs and may not be used for any other purpose or on any other part of the body. Leg restraint devices shall not be used as punishment.

In determining whether to use a leg restraint device, officers should consider if the officer and/or others are subject to a reasonably perceived risk of harm due to the behavior of a violent, resisting and/or attacking suspect (to include a subject kicking at officers). It may also be reasonable to protect the suspect from self-injury, escape, or property damage (e.g., hitting their head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking/damaging police property etc.).

PROCEDURE

The following guidelines shall be used when applying the leg restraint device:

- A supervisor shall be notified as soon as practical after the application of the restraint.
- Once the person's legs have been restrained, the safety clip of the restraint shall not be attached to the chain of the handcuffs.
- Once secured, the person should be placed on their side or in a seated or upright position and shall not be placed on their stomach for an extended period as this may potentially reduce the person's ability to breathe.
- Leg restraint devices should be removed as soon as practical and safe to do so or when the arrested person is safely confined within a jail unless circumstances reasonably indicate otherwise.
- During transport, the safety clip shall be fixed to a secure object within the squad car that prevents the subject from kicking their feet.
- When a leg restraint device is use, the person may be transported in a patrol unit. It is preferred that they are placed in an upright position if possible.

In a situation where a subject may be so uncooperative that they refuse to sit upright during transport, it may be necessary to transport the subject in leg restraint devices on their side. In these situations, officers must closely monitor the subject to ensure there are not changes in the subject's condition or ability to breathe normally.

SOFT RESTRAINT DEVICES

Soft restraint devices are designed to reduce the likelihood of injury to the restrained person or others and to reduce the likelihood of property damage caused by the restrained person. It prevents the subject from using their body in a manner that may result in injury, damage, or escape.

The Crystal Police Department deploys "The Wrap" soft restraint system. This system is designed to safely restrain the legs, arms and head of a subject. The system is designed to restrain the subject in a seated position, significantly reducing the risk of breathing difficulty.

The Wrap consists of the following parts:

- Ankle Wrap – designed to restrain the ankles of a subject while maintaining circulation.
- Leg Restraint – Designed to restrain the subject's legs, reducing the subject's ability to flee and kick.
- Shoulder Restraint – Designed to restrain the upper body and hands while the subject remains in the seated position without affecting breathing.
- Safety Helmet – Designed to protect the subject from self-harm.

In determining whether to use a soft restraint device, officers should consider if the officer and/or others are subject to a reasonably perceived risk of harm due to the behavior of a violent, resisting and/or attacking suspect (to include a subject kicking at officers). It may also be reasonable to protect the suspect from self-injury, escape, or property damage (e.g., hitting their head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking/damaging police property etc.).

PROCEDURE

The following guidelines shall be used when applying The Wrap soft restraint device:

- There is no requirement to use all components of The Wrap system; restraint of a subject shall be based upon the level of resistance. There may be times when only one component is necessary, such as using the padded safety helmet on a subject who is banging their head on the squad partition.
- A supervisor shall be notified as soon as practical when a subject is placed in The Wrap restraint.
- Use of The Wrap restraint shall be documented in a police and/or use-of-force report.
- Only officers trained in the application of The Wrap system shall apply the restraint. Untrained officers may assist trained officers in the application of the restraint by following trained officer guidance.
- The Wrap restraint shall be applied as instructed in training.
- Once The Wrap is applied, the subject shall be recovered to a seated position as soon as practical to avoid any restriction of breathing.
- Subjects restrained in The Wrap shall be transported in a seated position, unless they are turned over to an ambulance service for transport, whereby they may be transitioned to paramedic provided soft restraints, or a combination of Wrap components and Paramedic restraints or belts.
- The Wrap should be removed as soon as practical and safe to do so or when the arrested person is safely confined within a jail unless circumstances reasonably indicate otherwise.
- Subjects displaying a de-escalation in behavior and/or resistance may be subjected to lesser restraint or removal of components of The Wrap based upon the totality of the circumstances.
- Officers shall monitor a restrained subject for signs of distress.

CHEMICAL IRRITANTS

The following are approved chemical irritants:

- C.S. (Orthochlorobenzalmalononitrile)
- O.C. (Oleoresin Capsicum)
- Combinations of these chemical agents (i.e. Freeze + P)
- Pelargonic Acid Vanillyl Acid powder (PAVA)
- Repuls (Ammonium Propionate, Propionic Acid, Ammonium Citrate)

Guidelines:

All uniformed officer at the patrol level (patrol officers) may carry approved chemical irritant in an approved holster.

Plainclothes, non-field, patrol sergeants and/or supervisory personnel may carry chemical irritant as authorized and consistent with the needs of their assignment or at the direction of their supervisor.

Target:

Chemical irritants intended target should be the subjects face and eyes.

Use Considerations:

A chemical irritant shall not be intentionally be used:

- To punish anyone being uncooperative, noisome, or disruptive; or
- If the active ingredient is Mace or CN (Chloroacetophenone)

After-Use Treatment:

Subject(s) who are sprayed should be monitored and verbally reassured. Treatment shall be offered in accordance with department training and procedures.

Notification of Chemical Irritant Use in a Building

Pursuant to MN Statute 626.745:

A peace officer from a law enforcement agency that deploys a chemical irritant within a building, or an officer from the lead law enforcement agency if officers from multiple agencies deploy chemical irritants, must provide notice of the deployment to the owner of the building and, if the building is a private residence, the occupant of the residence. If the building contains two or more dwelling units, a peace officer must notify the occupant of any unit in which a chemical irritant was deployed. A peace officer may notify the occupant of any other unit. A peace officer may provide notice by giving a building owner or occupant the standard form created by the commissioner of public safety, leaving the form in a place where it is likely to be seen by a building owner or occupant, or providing the information contained in the form orally or in another format.

This statute covers the use of “chemical irritants, smoke screens, and diversionary devices.” For additional requirements, see MN Statute 626.745.

IMPACT DEVICES

The following are approved impact devices:

- Expandable baton
- Straight baton

Guidelines:

Uniformed officers at the patrol level (patrol officers) may carry approved impact devices in an approved holster. Plainclothes, non-field, patrol sergeants and / or supervisory personnel may carry an approved impact device as authorized and consistent with the needs of their assignment or at the direction of their supervisor.

A supervisor shall be notified as soon as practical after the use of an impact device.

Conditions for Use:

The use of any other items, such as a flashlight, is permitted when other approved impact devices are unavailable or due to the circumstances of the incident (i.e. suddenness, urgency to react, etc.). Other items used as an impact device are restricted to the use as outlined for the impact devices.

Target Areas:

Impact weapon intended target areas should be large muscled areas, such as the legs, thighs, buttocks, calves, and upper arms.

Use Considerations:

Impact devices shall not intentionally be used:

- To punish anyone being uncooperative, noisy or disruptive;
- On the head, neck, throat, spine, heart, kidneys, or groin unless the officer reasonably believes the suspect may cause great bodily injury or death to the officer, others, or when the use of deadly force is justified;
- In a chokehold that in any way jeopardizes the integrity of the windpipe, unless officer is authorized to use deadly force.

After-Use Treatment:

Subject(s) who are struck with an impact weapon should be monitored and verbally reassured. Treatment shall be offered in accordance with department training and procedures. When possible, the site of the impact should be photographed.

TASER

The following are approved Tasers:

- X26 and X26P Taser manufactured by Taser International, Axon

Guidelines:

Patrol officers should wear the taser in an approved holster on the duty belt. Taser holster is to be worn on the opposite side of the duty belt of the officer's firearm until deployed. Plainclothes, non-field, patrol sergeants and/or supervisory personnel may carry a taser as authorized and consistent with the needs of their assignment or at the direction of their supervisor.

Officers are required to "spark test" the taser on a regular basis to ensure it is in proper working order.

A supervisor shall be notified as soon as practical after the application of the taser.

Conditions for Use:

Officer should consider the factors used in determining the reasonableness of control devices before implementing the use of a taser.

The taser may be used to prevent the attack and/or to control hostile animals.

Targets:

The primary target area of the body when deploying a taser with probes is any area excluding the neck, head, and groin areas. Officers should follow target recommendation areas outlines and recommended by Taser International, Axon as presented by department use of force instructors.

Use Considerations

A taser shall not intentionally be used in the following manner:

- To punish anyone being uncooperative or disruptive;
- In the presence of flammable fumes, liquids, or gases are known or likely;

- On women known to be pregnant unless all other means available, short of deadly force, have been used;
- When the subject is in danger of falling from a significant height;
- Unnecessary cycling of the taser on a subject.

After-Use Treatment

Officers may remove the probes from any of the primary target areas.

Medical personnel must remove probes that may have penetrated soft tissue areas and/or sensitive regions of the body (face, eyes, neck, genital areas, and breast). The subject may or may not need to be transported in order for this to occur.

After Action Follow-Up

- Collect portions of the used cartridge (spent cartridges, wires, probes (biohazard));
- Property inventory all portions of the used cartridge (spent cartridges, wires, probes), into evidence;
- When possible, the wound site should be photographed;
- Taser instructors shall complete the taser download using the approved authorized downloading systems and software at select computer terminals.

LESS LETHAL MUNITIONS

This department is committed to reducing the potential for violent confrontations with suspects armed with weapons. The use and implementation of Less Lethal Munitions are less likely to result in death or serious physical injury. The Use of less Lethal munitions should be considered to end a potential serious situation where officers are unable to physically engage or control the subject due to the situation and circumstances. Less Lethal Munitions have a reduced potential for death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

The authorized less Lethal Munition is a 40 mm launcher or a long gun style Less Lethal shotgun.

Guidelines:

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices. However, they are not solely restricted to use according to the manufacturer's recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

A supervisor shall be notified as soon as practical after the use of Less Lethal Munitions.

Conditions for Use:

Officers should not implement Less Lethal Munitions without a second officer providing lethal cover whenever practical to do so.

Officers should follow the manufacturer's recommendations regarding minimum deployment distances and target areas.

Target area and distance may be considered when it reasonably appears to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

Circumstances where Less Lethal Munitions may be implemented include but are not limited to the following conditions:

- Subject(s) armed with a weapon and the tactical circumstances allow for the safe application of approved munitions;
- Subject(s) that have made credible threats to harm themselves or others and tactical circumstances allow for the safe application of approved munitions;
- Subject(s) are engaged in riotous behavior or are throwing rocks, bottles, or other dangerous projectiles at people and/or officers, creating a risk for injury;
- Use of a Less Lethal Platform for the deployment of distraction or chemical munitions into an area, only by those trained in proper and safe deployment of these munitions.

Targets:

Primary target area of the body when shooting a Less Lethal Munition is large muscled areas of the body.

The targeting of the head, face, neck, spine and groin areas would be considered deadly force. Officers shall only intentionally target these areas in situations where the use of deadly force is authorized.

Prohibitions:

Less Lethal Munitions shall not intentionally be used in the following manner:

- To punish anyone being uncooperative or disruptive;
- No other ammunition will be used in less Lethal 40 mm Launcher or 12 gauge Less Lethal Shotgun other than proper Less Lethal Munitions.

After-Use Treatment:

Officers shall have subject evaluated by medical personnel if struck by Less Lethal Munition in a non-lethal target area. If the subject is struck in a non-target area, has visible injuries, or is complaining of injury, the subject should be transported to the hospital for evaluation.

After Action Follow-Up:

- Property inventory all portions of the used round cartridges into evidence if feasible;
- when possible, the wound site should be photographed.

PEPPERBALL

This department is committed to reducing the potential for violent confrontations and severe injury or death of subjects and officers alike. The use and implementation of PepperBall is less likely to result in serious physical injury to a subject when deployed properly. PepperBall is considered a non-lethal tool, but it is understood that there is a potential for serious injury to a suspect when deployed improperly.

The authorized PepperBall platform is the PepperBall VKS Pro. Other PepperBall platforms from the same manufacturer may be deployed by department members, provided that the Officer has received training in said platform. Cases may arise where an officer will deploy a PepperBall launcher from an assisting agency (such as in SWAT, Mobile Field Force, or other mutual aid responses). It is required that the deploying member be trained on the platform and confirm with certainty what munitions are loaded and will be deployed.

PepperBall Projectiles are plastic spheres that are filled with Pelargonic Acid Vanillyl Acid (PAVA). A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the PAVA powder.

The use of PepperBall Projectiles is intended to gain compliance from suspects by leveraging a combination of kinetic impact and PAVA powder. The sting of the impact of the PepperBall projectiles causes a psychological distraction and localized pain, which is combined with the irritation from PAVA powder to the suspect's nose and lungs. When inhaled, the PAVA powder within the PepperBall Projectiles may lead to a sensation of impaired breathing, burning sensation of the skin, chest tightness, involuntary eye closure, tearing and/or secretion of excessive mucous.

Response to inhaling the PAVA powder in PepperBall Projectile varies among individuals. In most cases the symptoms quickly dissipate when the affected subject is removed to fresh air. The PepperBall launching system can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts. Any abnormal or lasting symptoms from PepperBall exposure should be evaluated by medical personnel when appropriate.

Guidelines:

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices. However, they are not solely restricted to use according to the manufacturer's recommendations. Each force situation must be evaluated on the totality of circumstances at the time of deployment.

Training:

Only qualified department-trained personnel shall be allowed to deploy the PepperBall system. Training shall consist of function checks, charging the launcher, re-charging the canister, projectile properties, and deployment options/procedures. Officers shall demonstrate proper set-up and function check of the launcher, and selection and deployment of the appropriate munitions.

Conditions for Use:

Officers operating a squad equipped with a PepperBall launcher shall complete a function check of the unit at the start of each shift.

Officers should not deploy PepperBall without a second officer providing lethal cover whenever practical to do so.

Officers should follow the manufacturer's recommendations regarding minimum deployment distances and target areas. Target area and distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

Officers deploying a PepperBall launcher during an incident will communicate via radio to command and/or dispatch that a PepperBall launcher is deployed at a scene when feasible.

Officers deploying a PepperBall launcher shall confirm that the situationally appropriate munitions are loaded into the launcher prior to deployment. Officers shall check the barrel / action / magazine of the launcher to ensure no unintended munitions are loaded.

Officers firing the PepperBall launcher on an empty chamber or with live munitions shall loudly and clearly verbally announce the deployment prior to firing the launcher to ensure that all officers on scene do not mistake the deployment for gunfire, when feasible.

Circumstances where Pepperball may be implemented include but are not limited to the following conditions:

- Subject(s) armed with a weapon and the tactical circumstances allow for the safe application of approved munitions;
- Subject(s) that have made credible threats to harm themselves or others and tactical circumstances allow for the safe application of approved munitions;
- Subject(s) are engaged in riotous behavior or are throwing rocks, bottles, or other dangerous projectiles at people and/or officers, creating a risk for injury;
- Subject(s) who are actively resisting arrest and the officer can articulate why lower force options would be ineffective.
- Use of a PepperBall platform for the deployment of chemical irritant into an area for crowd dispersal or area denial, when an officer can articulate why lower force options would be ineffective. PepperBall munitions may be deployed against a hard surface or inanimate object as a lower level force option for area denial, thus deploying chemical irritant without direct kinetic impact to subjects. Officers should pay attention to the wind direction and speed, with consideration to impact of chemical munition drift to areas occupied by uninvolved parties. Area denial or crowd dispersal deployments shall be accompanied by a verbal warning, with time given for subjects to leave the area, submit to arrest, or cease the unlawful conduct prior to deployment.
- Use of subjects who are engaged in fighting or brawling and an officer can articulate why lower force options would be ineffective.
- Deployment of chemical irritant to a structure or room, to affect the surrender or arrest of a barricaded or resisting suspect, where the use of chemical irritant is approved by the scene commander or supervisor.
- Deployment of chemical irritant to the inside or outside of a vehicle to effect the arrest of a barricaded resistant subject. Consideration should be given to safe vehicle tactics, including vehicle blocking, vehicle disabling procedures, and/or the deployment of tire deflation devices prior to PepperBall deployment. Special consideration should be given to reduce the potential of a chemically impacted subject driving away in a motor vehicle and causing harm to the public.
- Deployment of impact/chemical munitions towards a dangerous or believed to be dangerous animal to prevent or cease an animal attack.
- When fired on an empty chamber, the PepperBall launcher emits a loud popping noise which may serve as a distraction or warning prior to a use of force. If conditions, time, and the situation allows, officers may dry-fire the PepperBall launcher prior to any impact or chemical munition deployment as a physiological distraction or warning, accompanied with clear verbal orders. If officers elect to dry-fire the launcher in this manner, they must ensure the chamber, action, and barrel is completely empty of any munitions to avoid a negligent deployment.
- The PepperBall launcher may be deployed with manufacturer approved window breaking rounds to breach a vehicle or structure window when circumstances permit lawful entry. Officers should be cognizant that the window breaking rounds may penetrate the glass, and shall confirm that they are not firing the munition directly at a person behind a window. Window breaking rounds have the potential to cause serious injury and should not be directed towards a person

unless circumstances dictate immediate action to prevent serious injury or death to officers or others.

Targets:

Primary target area of the body when launching PepperBall munitions are large muscled areas of the body, legs, arms, chest, and back. The targeting of the head, face, neck, eyes, and groin areas has the potential to cause serious injury and should be avoided unless a life-threatening situation exists.

The ground, walls, inanimate objects, door frames, under doors, and the exterior of a vehicle may be targeted when the intent is to affect individuals with chemical irritant exposure without kinetic impact.

Prohibitions:

PepperBall Munitions shall not be intentionally be used in the following manner:

- To punish anyone being uncooperative or disruptive;
- No other ammunition will be used in the PepperBall launcher other than department approved and deployed PepperBall munitions.
- Officers shall not deploy PepperBall window-breaking munitions toward a human subject unless a life-threatening situation exists.

After-Use Treatment:

Officers shall have detained subjects evaluated by medical personnel if struck by PepperBall Munition in a non-primary target area on the body, or when intentionally or unintentionally struck by a window-breaking munition. If the subject is struck in a non-target area, has visible injuries, is complaining of injury, or is requesting medical treatment, the subject should be evaluated by medical personnel.

For chemical irritant decontamination, individuals should be removed to a non-contaminated area with fresh air flow to reduce the symptoms of chemical agent exposure.

After Action Follow-Up:

- Notify a supervisor of PepperBall deployment and use.
- When feasible, any wounds should be photographed.
- When feasible, document the identities of any individuals exposed to chemical munitions.
- Officers involved in the incident shall complete police reports. Details should include approximate number of projectiles deployed, number of projectiles that struck any subjects/suspects, circumstances and justification for the use of force, weather and wind conditions, the suspect reaction, and any other appropriate details.
- Any officers who used force shall complete the use of force report.
- A supervisor shall be consulted to refill PepperBall munitions and make the launcher squad ready.

Notification of Chemical Irritant Use in a Building

Pursuant to MN Statute 626.745:

A peace officer from a law enforcement agency that deploys a chemical irritant within a building, or an officer from the lead law enforcement agency if officers from multiple agencies deploy chemical irritants, must provide notice of the deployment to the owner of the building and, if the building is a private residence, the occupant of the residence. If the building contains two or more dwelling units, a peace officer must notify the occupant of any unit in which a chemical irritant was deployed. A peace officer may notify the occupant of any other unit. A peace officer may provide notice by giving a building owner or occupant the standard form created by the commissioner of public safety, leaving the form in a place where it is likely to be seen by a building owner or occupant, or providing the information contained in the form orally or in another format.

This statute covers the use of “chemical irritants, smoke screens, and diversionary devices.” For additional requirements, see MN Statute 626.745.

DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or great bodily harm.

JUSTIFIABLE TAKING OF LIFE

In accordance with M.S.S. 609.065, it is the policy of the Crystal Police Department that the intentional taking of the life of another by an officer of this department should occur only when necessary in resisting or preventing an offense which the officer reasonably believes exposes him/her or another person to great bodily harm or death.

MINNESOTA STATE STATUTE GOVERNING USE OF DEADLY FORCE

It is the policy of the Crystal Police Department to accord officers discretion in the use of deadly force to the extent permitted by M.S.S. 609.066 subd. 2. – The use of deadly force by a peace officer in the line of duty is justified only 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:

- To protect the peace officer or another from death or great bodily harm; and/or,
- 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.

A peace 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 person.

If deadly force is used by law enforcement officers, the officer must be able to articulate that the threat of death or great bodily harm:

- Can be articulated with specificity by the law enforcement officer; and,
- Is reasonably likely to occur absent action by the law enforcement officer; and, must be addressed through the use of deadly force without unreasonable delay.

ADDITIONAL CONSIDERATIONS REGARDING USE OF DEADLY FORCE

Officers should give a verbal warning before using or attempting to use deadly force if/when it is feasible and safe to do so.

Use of a firearm for a “warning shot” is prohibited.

Firearms may be readied for use in situation where it is reasonably anticipated a firearm may be required.

Use of a firearm by shooting towards a moving vehicle may only be used in situation where the use of deadly force would be justified under the provisions of this section and Minnesota State Statute.

Any use of a chokehold, as defined by this policy, may only be used in situations where the use of deadly force would be justified under the provisions of this section and Minnesota State Statute.

USE OF FORCE REPORTING

The Chief of Police or their designee must ensure that department use of force information is submitted to the Minnesota Department of Public Safety as directed by the state.

USE OF FORCE REPORTING GUIDELINES

Any use of force that meets the requirements listed below by a member of this department shall be documented completely and accurately. The documentation should be in the appropriate report depending on the nature of the incident (i.e. arrest, detox, 72-hour hold, etc.). The report shall document circumstances and necessity of the use of force, method of force used, and type of first aid or medical attention administered if medical attention was needed or requested.

Reportable applications of the use of force include the following:

- The application of force has caused a visible injury;
- The individual subjected to the force has expressed a complaint of pain or injury;
- The individual subjected to the force has been rendered unconscious;
- Medical attention was being sought by officer or subject, sue to the application of force (to include subject refusing medical service);
- The use of leg restraints
- Firearm pointed directly at another person

USE OF FORCE THAT DO NOT REQUIRE A REPORT

- Handcuffing of a cooperative subject;
- Having a firearm at the ready (holster ready, low ready, or combat ready), however not pointed directly at another person;
- Officers involved in a critical incident may use a formal statement in lieu of a report.

NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of reportable force under any of the following circumstances:

- If the use of force included use of leg restraints, impact device, Taser, or Less Lethal Munitions;
- The application of force appears to have caused physical injury or becomes unconscious;
- The individual has expressed a complaint of pain;
- Use or discharge of a firearm or other use of deadly force;
- Medical attention was being sought by officer or subject due to the application of force (to include subject refusal of service).
- An officer observed another officer use force which exceeds the degree of physical force permitted by law or is in violation of department policy.

SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- Obtain the basic facts from the involved officer.
- Ensure that any injured parties are examined by arresting officer on scene, to determine if further medical attention is required;
- Once any initial medical assessment or first aid has been completed determine if photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas (i.e. Taser deployments, Less Lethal Munition deployments);
- Review and approve all related reports;
- Review applicable body worn camera footage to ensure the use of force was appropriate, legal, and within department policy.

The supervisor shall report any violation of the use of force policy to the police chief through the proper chain of command.

USE OF FORCE REVIEW POLICY

The Police Chief or their designee will review all incidents involving the substantial use of force and make additional inquiries, as necessary, to determine whether the use of force was in compliance with this policy and other policies that might be relevant to the determination.

If the results of the review and investigation of a forceful encounter indicate a violation of department policies that might be relevant to the incident, then a copy of the report and any investigatory data shall be forwarded to the City/County Attorney for review, direction on further handling, and directions and dissemination of the report and investigatory data. In all other cases, such reports will be treated as confidential and will be kept on file according to Minnesota Data Practices laws.

If the use of a firearm results in serious injury or death to another, the officer will be placed on Administrative Leave of Absence and should not be interpreted to imply or indicate that the officer acted improperly.

The City Manager will designate an outside authority to review all use of force incidents in which the Police Chief is personally involved, and all use of force reports which the Police Chief will personally prepare. The designated authority will review each incident in the manner described in this manual. The designated authority will submit the use of force report, with his or her endorsement, to the City/County Attorney and/or City Manager for further review.

USE OF FORCE TRAINING

All police officers must attend, at a minimum of annually, Minnesota P.O.S.T Board/ Department approved training course. These courses must demonstrate proficiency in both practice routines and approved use techniques and an understanding of the department's policy on the use of force.

Training through the year shall consist of principles and legal issues of use of force, empty hand techniques, control devices, intermediate weapons, mechanical restraints, less lethal, non-lethal, and deadly force. In addition, training shall be provided regularly on the importance and use of de-escalation, simulation of actual shooting situations, and conditions and enhancement of understanding of discretion and judgement in uses of deadly and non-deadly force. This training includes classroom lectures along with practical application of hands on physical training.

DEVICE INSPECTION AND MAINTENANCE

The Uniform Sergeant and Use of Force Instructors shall control the inventory of control devices, holsters, and other equipment. Officers should regularly inspect their equipment to ensure it is clean, charged when appropriate, and fully functional. Any damaged, inoperative, or expended control devices shall be taken out of service and given to a supervisor.

Only department approved control devices and munitions shall be issued and carried.

TRAINING RECORDS

The Deputy Chief or their designee shall be responsible for maintaining records regarding the department's training program and rosters for use of force, deadly force, and firearms trainings.

The Deputy Chief shall maintain these records and shall keep a master record identifying and specify officer's attendance at all use of force and firearms trainings.

Officers are only authorized to use the types of force that they have received initial training and instruction on by a department approved instructor and refresher training at a minimum of annually.

USE OF FORCE INSTRUCTOR DUTIES

Use of Force Instructors are appointed by the Chief of Police and must have successfully completed an approved Use of Force Instructor training. All members attending any training shall follow the directions of the Instructor.

Lesson plans shall be submitted to the Use of Force Coordinator for approval prior to training being conducted.

Instructors have the responsibility to ensure each officer on a yearly basis can demonstrate proficiency in the use of force criteria set forth by the Minnesota P.O.S.T. Board and the Crystal Police Department. The Use of Force Coordinator will be responsible for ensuring all Use of Force training meets P.O.S.T. Board requirements.

Instructors shall obtain a roster of all members attending each training day/training evolution and shall submit the roster to the Use of Force Coordinator at the completion of the training; which are forwarded to the Deputy Chief for training records to be kept and filed accordingly.