



# St. Louis Park Police Department

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Policy Manual

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Other

## Chapter 6 - USE OF FORCE

### Section 1 - DEFINITIONS AND USE OF DEADLY FORCE

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#### 6.1.0 DEFINITIONS:

##### 1) Approved Weapon:

A device or instrument for 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:

- a) Obtained training in the technical, mechanical, and physical aspects of the device, and
- b) Has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapons.

##### 2) Chemical Aerosol:

A chemical containing Orthochlorbenzalmalononitrile (CS) and / or Oleoresin Capsicum (OC) in a handheld container disseminated with a liquid or gas propellant.

##### 3) Chemical Munitions:

A chemical containing Orthochlorbenzalmalononitrile (CS), Oleoresin Capsicum (OC), and Hexachlorethane (HC - Smoke) disseminated in a projectile with a liquid carrier or a pyrotechnic (burning) grenade.

##### 4) Contact Weapons:

All objects and instruments that are used, or are designed to be used, to apply force to another by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

##### 5) Deadly Force:

Deadly force shall include all force actually used by an officer against another with which the officer knows, or reasonably should 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.

##### 6) Conducted Electrical Weapon (CEW):

The conducted electrical weapon is designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause muscle contractions and override an individual's voluntary motor responses.

##### 7) Force:

Intentional actions by an officer that the officer knows, or reasonably should know, is likely to cause a nonconsensual, harmful, or offensive bodily contact with another, or places another in imminent fear of a nonconsensual, harmful, or offensive bodily contact.

##### 8) Great Bodily Harm:

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

**9) Non Deadly Force:**

Includes all force actually used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

**10) Positional Asphyxiation:**

Is insufficient intake of oxygen as a result of body position that interferes with one's ability to breath.

**11) Weapon:**

Any instrument used, or designed to be used, to apply force to the person of another.

**6.1.1 USE OF DEADLY FORCE:**

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord officers discretion in the use of deadly force to the extent permitted by Minnesota State Statute § 609.066, Subdivision 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary:

- a) To protect the peace officer or another from apparent death or great bodily harm.
- b) To effect the arrest or capture, or prevent the escape, of a person who the peace officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony involving the use or threatened use of deadly force.
- c) To effect the arrest or capture, or prevent the escape, of a person who the officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony, if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

2) If feasible, an officer should give warning before using or attempting to use deadly force.

**6.1.2 USE OF NON DEADLY FORCE:**

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord its officers discretion in the use of non deadly force to the extent permitted by Minnesota State Statute § 609.06, which permits police officers to use reasonable force:

- a) In effecting a lawful arrest.
- b) In the execution of legal process.
- c) In enforcing an order or the court.
- d) In effecting any other duty imposed on the officer by law.

2) In determining the amount, type, and level of force deemed reasonable under this provision, officers shall consider:

- a) The severity of the crime in issue.
- b) Whether the suspect poses a threat to the officer or another.
- c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**6.1.3 GENERAL RULES GOVERNING USE OF FORCE:**

1) Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

2) Protracted hand to hand combat may be harmful to the public safety, the safety of police officers, 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 non deadly force necessary to bring a subject who the officer intends to arrest or capture quickly under control.

3) Officers shall carry and use only approved weapons as that term is defined in section 5.5.2, 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 weapon to counter such a threat. This provision shall not be construed as authorizing officers to carry or use a non approved weapon where, under the circumstances, it would be feasible to procure approval for use of the particular weapon prior to its use.

4) No officer shall modify, alter, or cause to be altered an approved weapon in their possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.

## Section 2 - CONTACT WEAPONS

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### 6.2.0 CONTACT WEAPONS:

1) The purpose of using a contact weapon is to defend against, or control, a subject. Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When contact weapons are being used to control or defend against a subject, officers should continually reassess whether deescalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

Contact weapons may be used only in the following manner:

- a) Defense: To ward off blows or kicks from another person.
  - b) Defense or Control: To strike another for the purpose of rendering that person temporarily incapacitated.
  - c) Control: To restrain persons
  - d) Control: In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.
- 2) Officers striking another person with a contact weapon should attempt to avoid striking, if possible, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section.
- 3) Officers striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacitation.

## Section 3 - HANDHELD CHEMICAL AEROSOL

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### 6.3.0 HANDHELD CHEMICAL AEROSOL: PURPOSE

- 1) The purpose of using chemical aerosol is to render a person temporarily incapacitated so as to neutralize a threat by, or effect control of, the subject. The use of chemical aerosol shall be governed by the provisions governing non deadly force. Only chemical aerosol that are approved weapons, as previously defined, shall be used.
- 2) Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents. Use of chemical aerosol must be documented in the police report and Resistance Response Report.
- 3) Chemical aerosols shall not be applied to any person for the purpose of effecting punishment.
- 4) First aid or medical attention shall be provided to all persons sprayed with chemical aerosols.

#### 6.3.1 HANDHELD CHEMICAL AEROSOL: USE

Always discharge the container by holding it in the upright position. This will ensure that the irritant and not the propelling gas are projected. The maximum effective range of chemical aerosol is fifteen feet.

- 1) Officers should use a short one to two second burst when spraying chemical aerosol at a person. After using chemical aerosol, officers shall ensure that the following steps are observed:
  - a) Keep the contaminated area exposed to fresh air, thus allowing the irritants to escape. Do not bandage.
  - b) If the subject is wearing contact lenses at the time of exposure, they must be removed to achieve proper first aid.
  - c) First aid measures should be given as soon as possible after the exposure, and in no case should a period of more

than thirty minutes lapse between the exposure and first aid.

d) Immediate medical attention will be provided to any person upon whom the chemical is applied.

2) If the container is damaged, malfunctions, or if the supply is depleted, a new canister will be issued. If an officer loses their chemical aerosol, an offense report including the details of the loss is required.

### **6.3.2 NOTIFICATION WHEN USED:**

Important: In all cases where a chemical aerosol is used, include in police report the following:

- 1) The time the chemical aerosol was applied.
- 2) Justification for doing so (e.g., resisting arrest, etc.).
- 3) The type and time of first aid given.

### **6.3.3 CAUTIONS IN USING:**

- 1) Only under conditions that represent an extreme hazard (immediate threat of serious injury or death) should the spray be applied into the face at a distance of less than two feet.
- 2) Under no circumstances is the chemical agent to be applied as a punitive measure.
- 3) Chemical aerosol should not be discharged in the immediate vicinity of infants.

### **6.3.4 CHEMICAL MUNITIONS PROCEDURES AND USE:**

- 1) It is the policy of the department to use chemical munitions only in those instances where its use will provide an effective enforcement tool without creating an unreasonable risk of injury to subjects or innocent third parties.
- 2) It is important to use enough chemical aerosol to accomplish the task encountered, but it is equally important to avoid excessive or indiscriminate use.
- 3) Any innocent person(s) nearby should be warned of the potential use of chemical munitions and steps should be taken to minimize possible discomfort or danger to them or property.
- 4) When chemical munitions are issued, it is imperative that ALL unused munitions be returned to the armory or other appropriate / designated location as soon as possible.
- 5) Chemical munitions will not be used until authority has been granted by a supervisor.
- 6) When chemical munitions are to be used, gas masks will be issued to all on scene personnel.
- 7) Only liquid (non-burning) chemical munitions will be used inside an enclosed structure unless otherwise approved by the Chief of Police or designee.
- 8) Whenever pyrotechnic chemical munitions are used in a closed structure the fire department will be notified and requested to stand by for possible fire and decontamination.
- 9) Whenever chemical munitions are used a full report of the circumstances surrounding its use will be made by the duty supervisor

## **Section 4 - PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW)**

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### **6.4.0 PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW) USE:**

PURPOSE: To establish procedures regarding the use, reporting, and first aid treatment when deploying the CEW.

#### **6.4.1 USE OF CONDUCTED ELECTRICAL WEAPON (CEW):**

- 1) It is the policy of the department to use only that level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individuals. Use of the CEW is authorized under Minnesota State Statute § 609.06, "Authorized Use of Force", as well as the guidelines set forth in this section.
- 2) Use of the CEW will be reported on a departmental Resistance Response Report and in the report of the incident.
- 3) The CEW is a less lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and / or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

#### 6.4.2 PROCEDURES FOR USE:

##### 1) Authorized Users:

The CEW will only be issued to, and deployed by, officers who have completed the department CEW course for operators.

##### 2) Weapon Readiness:

- a) The device will be carried in an approved holster on the support side of the body. Officers not in uniform must carry the weapon consistent with department training.
- b) Only a fully charged and properly functioning CEW shall be carried in the field. It is each operator's responsibility to check the CEW prior to each duty shift.
- c) Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in the event of cartridge failure, the need for redeployment, or in the event the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges replaced consistent with the manufacturer's expiration requirements.

##### 3) Prohibited Use:

The CEW will not be used in the following manner:

- a) As an interrogative device, either through application or threat thereof.
- b) To threaten, harass, taunt, or abuse,
- c) In areas where there are concentrations of combustible materials.
- d) On a handcuffed prisoner.
- e) On a subject that has been sprayed with a chemical aerosol.
- f) In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
- g) In an unlawful manner.

NOTE: The CEW is extremely effective in incapacitating a subject. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the CEW operator should be covered by an armed officer).

##### 4) Deployment:

- a) The operator should take into consideration and avoid using the CEW if the subject is known to be pregnant, very young, very old, frail, or if the officer has reason to believe that the subject has heart problems or a debilitating illness.
- b) The operator will not have both their duty weapon unholstered and ready in one hand, while simultaneously deploying the CEW in the other hand. This is intended to avoid unintentionally firing the wrong weapon.
- c) Only one CEW will be deployed on one subject at a given time. If there are multiple subjects involved, then a corresponding number of CEWs may be used.
- d) Once an operator has decided the criteria exist for deployment of the CEW, the following steps shall be adhered to:
  1. Operators will not target the head, neck, or groin area of the subject. Each CEW unit is laser sighted and should be targeted at lower center mass when possible.
  2. Prior to the deployment of the CEW the deploying operator, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done so the sound of the deploying CEW unit is not confused with that of a discharging firearm.
  3. CEW are programmed to expose a subject to a five second electrical current. It is recommended that each use should be a full five seconds. Operators have the discretion of terminating the exposure by turning the CEW off.

Operators are to use this discretion as the circumstances of each incident warrant.

4. No more than three consecutive cycles shall be administered to a subject during an incident.

5. The device may also be used in certain circumstances in a touch stun mode. After the barbs have been deployed, create a second contact point of six inches or more. It is important to note that when the device is used in this manner, it is:

a. Minimally effective when compared to conventional cartridge type deployments

b. More likely to leave marks on the subject's skin

c. Subject to the same deployment (use) guidelines and restrictions as that of the cartridge deployments

6. After deploying the CEW, operators will notify the duty supervisor, if not at the scene, as soon as it is safe to do so. If possible, the duty supervisor should immediately respond to the scene.

7. After the subject has been handcuffed, officers will guard against positional asphyxiation.

#### **6.4.3 AFTERCARE AND REPORTING:**

1) Officers are to immediately call paramedics to the scene to evaluate the subject.

2) If the probes of the CEW unit penetrate the skin of the subject, they may be removed by an officer. If an officer feels uncomfortable removing the probes, paramedics may assist. If the head, neck, or groin areas are struck with one or both of the probes, the officer will not attempt to remove the probes.

3) After the probes are removed from a subject, the following procedure will be adhered to:

a) Probes will be considered a biohazard. Officers will invert spent probes back into the air cartridge to prevent sharp ends from being exposed. Tape will be placed over the portals to secure them in the cartridge. The air cartridge wires will then be wound around the cartridge and secured by tape. The entire cartridge is to be placed in the proper biohazard container marked as such. Officers will collect several AFID tags and place them with the air cartridge. The container will be placed in property inventory.

b) Photographs will be taken of probe penetration sites and any injuries incurred during the incident. Photographs will be placed in property inventory.

c) The subject shall be transported to Methodist Hospital emergency room for evaluation, using the hospital's CEW exposure protocol.

d) Officers shall complete the departmental Resistance Response Report and detail the CEW deployment in the operator's narrative report prior to the end of their duty shift.

e) After an exposure has been delivered to a subject, the unit shall be given to the duty supervisor, who will route it to the Chief of Police's designee. Data from the incident may be uploaded from the CEW for the Resistance Response Report. After uploading the data, the unit may be placed back into service.

## **Section 5 - PROCEDURES WHEN FIREARM IS DISCHARGED**

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#### **6.5.0 PROCEDURES WHEN FIREARM IS DISCHARGED:**

1) Whenever an officer discharges a firearm in the course and scope of their duties or while acting under color of law (exclusive of training), the officer shall notify the duty supervisor.

2) The officer who discharged a firearm shall file a written report of the incident with the duty supervisor as soon as time and circumstances permit, but in no event later than the completion of their current tour of duty. This requirement may be suspended on order of the immediate supervisor.

3) If the officer is incapable of filing the required report, the officer's duty supervisor shall be responsible for filing the report.

4) Consistent with Minnesota State Statute § 626.553, the Commissioner of Public Safety will be notified in writing of the facts and circumstances surrounding any discharge of a firearm by a peace officer in the course of duty, other than for training purposes or destroying animals.

### **6.5.1 INITIAL INVESTIGATION OF FIREARM DISCHARGE:**

- 1) Each discharge of a firearm within this policy shall be investigated by the duty supervisor, who shall personally inspect the scene of the incident.
- 2) The Chief of Police or designee will determine if an outside agency is needed to investigate and, if so, determine the appropriate agency.
- 3) After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the duty supervisor shall submit a detailed written report of the results of the investigation to the Chief of Police. The report will state whether the discharge was justified and in accordance with department policy.

### **6.5.2 AUTHORIZED FIREARMS:**

- 1) Officers will only carry department owned weapons as their primary firearm, except with approval by the Chief of Police.
  - a) The primary duty handgun for Patrol and School Resource Officers (SROs) will be a Glock 17 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).
  - b) The primary duty handgun for Investigators, Investigations Sergeants, Drug Task Force Officer(s), Community Outreach Officer(s), and the Administrative Sergeant will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).
  - c) The primary duty handgun for Command Staff members will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).
- 2) Officers are permitted to carry personal firearms off-duty of any make and must complete a yearly qualification overseen by department firearms instructor.
  - a) Authorized off-duty firearms can be chambered in .380, 9mm, .40, and .45 caliber.
  - b) Firearms for off-duty use shall be registered with the Department by make, model, and serial number.
- 3) Specialized weapons, as authorized by the Chief of Police.
  - a) Officers must receive training and be certified as proficient in the use of any specialized weapons. These specialized weapons include, but are not limited to: shotguns, sniper rifles, gas launchers, semi- and fully automatic rifles, etc.
- 4) All Department-owned firearms shall be inspected annually by a qualified Department armorer.
- 5) Officers shall demonstrate their ability to use their firearms in a safe and proficient manner during regular firearms qualification sessions.
- 6) SWAT members working in a special assignment (Investigations, SRO, Community Outreach, etc.) will maintain their assigned long gun in the armory and will have it ready for use.

### **6.5.3 AUTHORIZED AMMUNITION:**

Only department issued ammunition is authorized.

### **6.5.4 CARRYING AND DISPLAYING OF FIREARMS:**

Officers shall not remove firearms from holsters or cases except when necessary in the performance of official duty.

- 1) Cross draw, upside down, or similar holsters are not permitted without the express permission of the Chief of Police.
- 2) Officers in civilian dress can wear their firearm concealed or unconcealed. If the firearm is in public view, their badge must be displayed next to the firearm.

### 6.5.5 FIREARMS TRAINING:

Training programs will be held at regular intervals, as determined by the Chief of Police or designee for the purpose of maintaining and improving proficiency in the use of the various types of firearms used by the department and in order to familiarize officers with the contents of departmental policies governing the use of deadly force and firearms. All sworn personnel are required to attend the training sessions as scheduled unless excused by their supervisor. Officers failing to attend these sessions without properly being excused will be subject to disciplinary action.

### 6.5.6 USE OF FIREARMS TO DESTROY ANIMALS:

When an animal is critically injured, the owner's permission should be obtained prior to destroying the animal. If the owner is not available, the names and addresses of witnesses shall be obtained to assist in verifying that the animal was critically injured. If the owner is present, it is their responsibility to have the animal removed.

The following guidelines are provided:

- 1) The animal shall be removed from public view prior to destruction whenever possible.
- 2) The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.
- 3) Shoot the animal from close range, five to fifteen feet maximum if possible.
- 4) Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.
- 5) Shoot the animal in the brain to minimize suffering. Upon destroying an animal, arrangements should be made without delay for removal of the animal's body.

**EXCEPTION:** If the possibility of rabies exists, or if 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 must be removed to the University of Minnesota and the state department of health in notified.

### 6.5.7 WARNING SHOTS:

Warning shots shall not be fired.

## Section 6 - USE OF CHOKE HOLDS

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### 6.6.0 USE OF CHOKE HOLDS:

Officers shall use choke holds only in situations where the use of deadly force would be justified under the provisions of this section.

## Section 7 - THREATENING THE USE OF FORCE

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### 6.7.0 THREATENING THE USE OF FORCE:

An officer may announce to another their intention to use only that type and degree of force that is reasonably necessary under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

## Section 8 - REPORTING REQUIREMENTS

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### 6.8.0 REPORTING REQUIREMENTS:

- 1) An officer using deadly or non deadly force shall, in all instances, prepare a Resistance Response Report in addition to all other reports concerning the matter.
- 2) Supervisors shall review all incidents involving the use of force with all officers involved and submit the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section.

## Section 9 - CRITICAL INCIDENT POLICY

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### 6.9.0 CRITICAL INCIDENT POLICY

#### 6.9.1 - PURPOSE

This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed, but does not provide detailed instructions as to the manner of completing them.

#### 6.9.2 - POLICY

This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgment in determining how and when to implement the procedures set forth in this policy.

#### 6.9.3 - DEFINITIONS

The following phrases have special meanings as used in this policy.

**Critical Incidents** include officer-involved shootings and other situations involving most or all of the following circumstances:

- A law enforcement officer has used force or taken other actions.
- The officer's actions resulted in death or serious injury to another.
- A review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint.
- It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer.
- The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.

**Involved Officer** means an officer employed by this agency who used force or took other actions that resulted in death or serious injury to another.

**Uninvolved Officer** means an officer employed by this agency who may have participated in, witnessed, or responded to a critical incident, but who did not use force or take other actions that resulted in death or serious injury to another.

**Employing Agency** means the agency that employs one or more involved officers.

**Investigating Agency** means another law enforcement agency that will independently investigate the use of force or other circumstances that resulted in death or serious injury.

**6.9.4 - INDEPENDENT INVESTIGATION**

The St. Louis Park Police Department will request an independent investigation whenever officers of this agency use deadly force or take other action that directly results in death or serious injury to another. For incidents occurring within the territorial jurisdiction of the City of St. Louis Park, the chief or chief’s designee shall contact an Investigating Agency to request assistance. For incidents occurring outside the territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. This agency will provide all reasonable cooperation and assistance to the Investigating Agency.

**6.9.5 - INVESTIGATIVE RESPONSIBILITY MATRIX**

The following table identifies the possible scenarios and responsibilities for the investigation of a critical incident involving St. Louis Park police officers:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Peace Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Review</b>
<b>SLPPD Officer in This Jurisdiction</b>	HCSO or BCA	HCSO or BCA	SLPPD	SLPPD Chief or designee
<b>Outside Agency’s Peace Officer in This Jurisdiction</b>	SLPPD Investigators or HCSO	SLPPD Investigators or HCSO	Involved Peace Officer’s Agency	Involved Peace Officer’s Agency
<b>SLPPD Officer in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	SLPPD	SLPPD Chief or designee

**6.9.6 - IMMEDIATE PRIORITIES**

Because situations may vary significantly, officers on the scene or who arrive there in the immediate aftermath of an incident must exercise professional judgment to determine the order in which to address potentially competing priorities. Involved Officers, until relieved, and Uninvolved Officers shall take appropriate actions to: (see Appendix A)

1. Summon emergency medical care for and provide first aid to any individuals with serious injuries or medical conditions.
2. Summon appropriate resources to the scene.
3. Protect the public against any risks posed by ongoing hazards or dangerous people at large. (see Appendix B)
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.

5. Notify command staff and agency leaders of the incident.

#### **6.9.7 - ESTABLISHING ON-SCENE COMMAND AND CONTROL**

As soon as practicable, an appropriate officer or supervisor should identify himself or herself as the Incident Commander, who will have charge over other personnel at the scene and will be responsible for assuring that appropriate personnel and resources are directed to the highest priorities.

1. The first supervisor or uninvolved officer to arrive at the scene following the incident will be the Incident Commander until relieved by higher authority.
2. The Incident Commander shall identify himself or herself over the radio to dispatch and others. Any officer or supervisor assuming command of the incident thereafter shall identify himself or herself over the radio to dispatch and others.
3. Officers may, by quick consensus, designate a more experienced or more suitably trained officer at the scene to serve as the Incident Commander.

#### **6.9.8 - INCIDENT MANAGEMENT ACTIVITIES**

Although the Investigating Agency will likely respond to the scene, immediate steps may still be necessary to protect public safety and to prevent the loss or destruction of evidence. Accordingly, the St. Louis Park Police Department's Incident Commander or on scene supervisor shall determine which of the following tasks are of the highest priority and shall assign appropriate personnel to address them:

1. Promptly identify Involved and Uninvolved officers and, to the extent feasible, relieve Involved Officers of active participation in any ongoing scene management and law enforcement activities. Uninvolved Officers who witnessed or participated in the event should be assessed to determine if they are capable of assisting with further law enforcement efforts.
2. Consider and, if necessary, obtain Public Safety Statements from the Involved Officers, using the form attached hereto as Appendix B. A Public Safety Statement may not be necessary if there are other sources that can provide the required information.
3. Identify witnesses and the evidence they possess, and obtain immediate statements from witnesses only if there is reason to believe the witness will be unwilling or unable to be interviewed or provide an accurate account later.
4. Establish one or more perimeters to control the scene and restrict access, and keep a log of personnel entering and exiting the perimeter.

5. Safeguard physical evidence that could become lost or degraded before the scene is methodically processed.
6. Prevent electronic evidence stored in body-worn cameras and in-car camera systems from being overwritten by deactivating any systems left in "record" mode.
7. Notify and secure assistance from any outside criminal Investigating Agency that will be utilized; obtain that agency's estimated time of arrival at the scene; and coordinate with that agency as to any immediate steps that should be taken.
8. Preserve the evidentiary value of weapons that officers have used or fired during the event. If the officer(s) weapon(s) are holstered they should remain holstered until collected by the Investigating Agency as evidence. Officers will be issued replacement weapons for any that have been collected as evidence unless otherwise indicated.
9. Preserve the evidentiary value of all clothing/equipment items worn by the involved officer during the event. The investigating agency may collect all clothing items at the hospital at the same time all involved officers are receiving a mandatory medical assessment conducted by an emergency room physician. Supervisors or care officers should refer on duty medical staff to our request for a basic medical evaluation outlined in Appendix D.
10. Assign a liaison to work with the Investigating Agency.
11. Assign a "Care Officer" to each Involved Officer. The duties of the Care Officer will include removing the Involved Officer from the scene to an appropriate location, and providing reasonable assistance to meet the Involved Officer's basic needs following the incident. The Care Officer may also be asked to verify that the Involved Officer committed to his or her care had no contact with other Involved Officers or witnesses from the time of the Care Officer's assignment until the time the Involved Officer is released from duty. There is generally no legal privilege for communications between Care Officers and Involved Officers. A list of potential additional duties of Care Officers is attached hereto as Appendix C. It may also be appropriate, depending on the individual's status, to assign a Care Officer to any Uninvolved Officers who participated in or witnessed the event and were traumatized by it.
12. Provide for or coordinate the appropriate notification to the families or survivors of any individuals killed or seriously injured during the incident.
13. Consider the advisability of providing public information about the event.

### **6.9.9 - INVOLVED OFFICERS**

Involved Officers shall:

1. Refrain from assisting with any ongoing law enforcement or scene management activities as soon as adequate uninvolved personnel are available at the scene.
2. Preserve the integrity of physical evidence such as blood, fingerprints, and other biologics on the officer's person, clothing, and equipment until it is collected.
3. Remain in the company of the officer's assigned Care Officer or at the location designated until relieved from duty.
4. Not discuss the incident with others who were involved in or witnessed the incident, or with other employees of this agency, until the criminal and administrative review processes have been completed. This section shall not be construed, however, to prohibit officers from discussing the incident with the officer's attorney, psychologist or licensed social worker, clergy member, or spouse.

### **6.9.10 - RIGHTS OF INVOLVED OFFICERS**

1. Nothing in this policy shall be construed as limiting or depriving Involved Officers of their rights to remain silent and to consult with an attorney prior to giving any statements or making any reports that could be used against the officer in a criminal proceeding.
2. Involved Officers shall not be subject to employment-based drug or alcohol testing unless based on reasonable suspicion and conducted pursuant to the city's drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask Involved Officers to voluntarily provide samples for blood and alcohol testing as part of the criminal investigation. This agency will not penalize the refusal to voluntarily participate in such testing. Personnel from this agency may assist Involved Officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic, or witnessing the collection of the sample.

### **6.9.11 - WRITTEN REPORTS**

Officers who were involved in or witnessed a critical incident shall not be required to prepare a written report concerning the incident unless specifically directed to do so.

### **6.9.12 - ADMINISTRATIVE LEAVE**

Each involved officer shall be provided with reasonable administrative leave following an officer-involved shooting or officer-involved critical incident.

### **6.9.13 - CRITICAL INCIDENT STRESS DEBRIEFING AND PSYCHOLOGICAL SERVICES**

The chief or chief's designee may schedule a critical incident stress debriefing session following the incident for Uninvolved Officers, uninvolved support personnel such as dispatchers and Community Service Officers (CSOs), and other personnel impacted by the incident. Authorized attendees may use work time or be compensated for attending the session. The sessions shall be conducted in private and closed to the public and nonparticipants. Personnel who participate in the debriefing shall not disclose any information or opinions acquired as a result of the session.

2. Officers facing criminal review or the prospect of civil liability shall not participate in group debriefing sessions or peer-to-peer counseling, but instead shall be referred to individual counseling with a mental health professional of their choice.
  
3. Officers involved in a critical incident and other impacted personnel shall, upon direction from the chief or chief's designee, attend one or more confidential meetings with a mental health professional of their choosing. The City will pay for the cost of such services. The meeting shall be confidential between the officer and the mental health professional. Should a fitness-for-duty evaluation be required, it shall be conducted by a separate mental health professional and with an appropriate release to allow the examiner to provide information to the city.

### **6.9.14 - FIREARM DISCHARGE REPORT**

The chief or chief's designee shall, within 30 days of the incident, complete and submit the firearms discharge report required by Minn. Stat. § 626.553, subd. 2.

### **6.9.15 - STATEMENTS FROM INVOLVED OFFICERS**

1. Because the criminal investigatory interviews of Involved Officers are conducted on a voluntary basis, the time and place of such interviews is a matter to be worked out between the Involved Officers, their attorneys, and the criminal investigators assigned to the matter. To the extent that this agency is requested to assist in scheduling or facilitating such interviews, the following guidelines shall apply:
  1. The rights of officers to take time for rest and recovery from the incident before giving a statement for criminal investigatory purposes shall be respected. Current published recommendations call for providing officers some amount of time for recovery and rest prior to providing a full statement about the event, in the range of 48 hours.
  
  1. Officers should be given a choice as to the location of the interview, and should not be interviewed in places where criminal suspects are typically interrogated.
  
2. It is the policy of this agency to allow officers the option to review their own video recordings from their assigned vehicle or body camera prior to giving a statement to criminal investigators.

## 6.9.16 AGENCY ADMINISTRATIVE REVIEW

1. This agency will review all critical incidents to determine whether the force used or actions taken by officers were in compliance with governing law, agency policy, and agency training. The timing of this review will be determined on a case-by-case basis, and the review will encompass an examination of all relevant evidence.
2. If the results of the review establish there was no misconduct, the results of this determination shall be documented and the matter closed.
3. If the results of the review conclusively establish that misconduct occurred, then the chief or chief's designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.
4. If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistently with the Peace Officer Discipline Procedures Act.

## **Appendix A: Incident Management Checklist**

### **Immediate Priorities:**

- Summon care for/provide care to those with serious injuries.
- Summon appropriate resources to the scene.
- Protect the public against any risks posed by ongoing hazards or dangerous people.
- Broadcast suspect information.
- Notify command staff/agency leadership.
- Implement incident command.

### **Incident Management Activities:**

- Identify Involved Officers, and Uninvolved Officers incapable of performing, and relieve from further duty.
- Consider and, if necessary, obtain Public Safety Statements.
- Identify witnesses and the evidence they possess; take statements only if necessary.
- Establish one or more perimeters; keep a log of those entering and exiting.
- Safeguard physical evidence to prevent loss or degradation before scene is processed.
- Prevent body-cam and dash-cam recordings of the event from being overwritten.
- Secure assistance from and coordinate with the Investigating Agency; obtain ETA.
- Preserve the evidentiary value of police weapons; issue replacement weapons.
- Assign a liaison to work with investigating agency.
- Assign a Care Officer to Involved Officers and, if necessary, to others relieved of duty.
- Provide for or coordinate notifications of death or serious injury.
- Consider the advisability of providing public information about the event.
- Notify the on call police chaplain and have available at headquarters to assist as needed.

## **Appendix B: Public Safety Statement Questionnaire**

The initial on-scene supervisor or Incident Commander may use the following questions to obtain immediate information about ongoing life and safety issues after a critical incident:

Date of Incident: \_\_\_\_\_

Time of Statement: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

“Officer, due to the potential need to take immediate action to protect life and public safety, I am requesting you to provide the following information”:

1. Are there any persons injured who have not yet received medical attention and, if so, where are they?
  
2. Did any suspects leave the scene?
  1. Please provide identifying information and their direction and mode of travel.
  2. Were any of the suspects armed and, if so, with what type of weapon?
  3. How long has it been since the suspect left?
  
3. Are there any other hazards or conditions that pose a threat to public safety?
  
4. Please indicate the direction and likely impact areas of:
  1. Any rounds fired by officers.
  2. Any rounds fired by suspects (to enable a search for any others who may have been injured).

## **Appendix C: Duties of Care Officers**

### **Instructions to Care Officer:**

The duties of the Care Officer are not fixed and certain, and may vary depending on the circumstances. The Care Officer should be encouraged to seek guidance and clarification from agency leadership if in doubt as to the appropriate scope of duties. You should consider your communications with Involved Officers to not be legally privileged. You may be asked to verify that the officer committed to your care did not have any communications with other Involved Officers or witnesses from the time you were given this assignment until the officer is released from duty.

### **In the immediate aftermath:**

- Providing the officer with transportation away from the scene to the police station or law enforcement center, or another appropriate location. The officer being transported should not be placed in the back seat or in any other prisoner transport area, both for the well-being of the officer and to avoid a misperception that the officer has been taken into custody. If the officer is transported to a hospital or medical facility, the Care Officer will accompany and remain with the involved officer until properly relieved.
- Addressing the involved officer's basic physical needs, such as access to a restroom and access to medications, food, and hydration.
- Ensuring that the officer has an appropriate place to wait following the incident, being mindful that some officers may prefer a private setting while others might find isolation to be distressing. Be mindful of ongoing radio traffic of the event and ask the involved officer their preference for radio traffic to be on or off. Officers should not be directed to wait in places where criminal suspects are detained, or in places that are used for the administration of discipline.
- Assisting the officer with immediate communication needs, such as contacting family members, spiritual advisors, legal counsel, and union representatives.
- Picking up or delivering replacement clothing if the officer's own garments will be collected as evidence.
- Meeting reasonable needs for transportation.
- Assisting the officer in dealing with interruptions to his or her abilities to meet scheduled parenting, familial, or other obligations.

### **During any period of administrative leave:**

- Maintaining contact with the officer to help him or her stay abreast of developments within the agency.
- If appropriate, conveying any messages on behalf of the department's leadership.