

I. Purpose

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

- MN STAT. 626.8452 – Deadly Force and Firearms Use; Policies and Instruction Required
- MN STAT. 626.8475 – Duty to Intercede and Report
- MN STAT. 609.06 – Authorized Use of Force
- MN STAT. 609.065 – Justifiable Taking of Life
- MN STAT. 609.066 – Authorized Use of Force by Peace Officers

II. Policy

1. It is the policy of this law enforcement agency to ensure that officers respect the sanctity of human life when making decisions regarding the use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends.
2. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.
3. 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.
4. Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities, as an individual's disability may affect their ability to understand or comply with commands from peace officers.
5. The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for situations where officers may be forced to make quick judgments about using such force.
6. This policy is to be reviewed annually, and any questions or concerns should be addressed to the immediate supervisor for clarification.
7. This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.
8. Section (4) Procedure, paragraphs (g.1-2), are effective as of March 1, 2021, and thereafter.

III. Definitions

1. Bodily Harm: Physical pain or injury.
2. Great Bodily Harm: Bodily injury that creates a high probability of death, causes serious permanent disfigurement, or results in permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
3. Deadly Force: Force used by an officer that 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.
4. 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 techniques such as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
5. Other Than Deadly Force: Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.
6. Choke Hold: A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. A choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.
7. Authorized Device: A device an officer has received permission from the agency 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; and
 - Developed knowledge and understanding of the law, rules, and regulations regarding the use of such a device.
8. Weapon: Any instrument used, or designed to be used, to apply force to the person of another.
9. Impact Weapons: Objects and instruments designed or used to apply force to another person through physical contact.
10. Chemical Agents: Repuls (Ammonium Propionate).

11. **Electronic Incapacitation Devices:** A portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. Per Minnesota State Statute 624.731 subdivision 2, electronic incapacitation devices do NOT include cattle prods, electric fences, or other electric devices used in agricultural, animal husbandry, or food production activities.

IV. Procedure

1. General Provisions:

- Use of physical force should be discontinued when resistance ceases or when the incident is under control.
- Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
- Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
- All uses of force shall be documented and investigated pursuant to this agency's policies.

2. Duty to Intercede:

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

3. Duty to Report:

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

4. De-escalation:

- An officer shall use de-escalation techniques and other alternatives to higher levels of force, consistent with their training, whenever possible and appropriate before resorting to force and to reduce the need for force.

- Whenever possible, and when such delay will not compromise the safety of another or the officer, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

5. Use of Other Than Deadly Force:

- When de-escalation techniques are not effective or appropriate, an officer may consider the use of force other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:
 - Effecting a lawful arrest;
 - Execution of legal process;
 - Enforcing a court order;
 - Executing any other duty imposed upon the officer by law; or
 - Defense of self or another.

6. Use of Certain Types of Force:

- Except in cases where deadly force is authorized, as articulated in Minnesota State Statute 609.066, to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:
 - Chokeholds,
 - Tying all a person's limbs together behind their back to render the person immobile (hogtying), or
 - Securing a person in any way that results in transporting the person face-down in a vehicle.
 - Less than lethal measures must be considered by the officer prior to applying these measures.

7. Use of Deadly Force:

- An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary.
- Use of deadly force is justified when one or both of the following apply:
 - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. Can be articulated with specificity;
 - ii. Is reasonably likely to occur absent action by the law enforcement officer; and
 - iii. Must be addressed through the use of deadly force without unreasonable delay; or

b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

- An officer shall not use deadly force against a person based solely on the danger the person poses to themselves if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).
- Where feasible, the officer shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.
- In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

8. Training:

- All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
- In addition, training shall be provided on a regular and periodic basis and designed to:
 - a. Provide techniques for the use of and reinforce the importance of de-escalation;
 - b. Simulate actual shooting situations and conditions; and
 - c. Enhance officers' discretion and judgment in using other than deadly force in accordance with this policy.
- Before being authorized to carry a firearm, all officers shall receive training and instruction on the proper use of deadly force and the agency's policies and state statutes regarding such force. This training shall continue on an annual basis.
- Before carrying an authorized device, all officers shall receive training and instruction on its use, including in deadly force and/or other than deadly force situations. Such training shall continue annually.
- Officers will carry and use only authorized devices unless circumstances pose an immediate threat to the public's or officer's safety, requiring the use of a device or object not authorized to counter such a threat.
- With agency approval, officers may modify or alter an authorized device in their possession or control.

9. Recordkeeping Requirements:

- The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

10. General Rules Governing Use of Force:

- Officers should use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. However, this provision should not be construed to require officers to first attempt types and degrees of force that reasonably appear inadequate to accomplish the intended objective.
- Protracted unarmed control measures, including but not limited to Empty-Hand Control, Escorts, Pain Compliance Holds, Takedowns, Defensive Tactics, and Ground Control Techniques, may be harmful to public safety, officer safety, 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 whom the officer intends to arrest or capture quickly under control.
- Officers will carry and use only approved weapons, as previously defined, unless circumstances pose an imminent threat to the officer's or public's safety, requiring immediate use of a non-approved weapon. This provision does not authorize officers to use a non-approved weapon if it would be feasible to obtain approval for the particular weapon before use.
- No officer will modify, alter, or cause to be altered an approved weapon in their possession or control.
- Firearms may be readied for use in situations where it is reasonably anticipated that they may be required.
- An officer may announce their intent to use only that type and degree of force reasonably necessary under the circumstances. This provision should not be interpreted as endorsing discourteous, abusive, or unprofessional language.

11. Specific Rules Relating to the Use of Specific Weapons:

- Impact Weapons:
 - Impact weapons should be used only when lesser force has failed or would be ineffective.
 - Officers should avoid striking areas likely to cause serious injury or death unless deadly force is authorized, such as the head, neck, throat, groin, armpits, and spine.
 - Strikes should target areas likely to incapacitate, such as the arms, legs, and torso.

12. Aerosol Irritant Projectors (Chemical Agents):

- The use of chemical agents shall be governed by provisions applicable to non-deadly force. Only department-approved chemical agents will be used.
- Officers may use department-issued or Chief-approved aerosol devices as defensive weapons under this policy.
- Chemical agents serve as alternatives to the baton under appropriate circumstances but are not replacements for batons or firearms.
- Chemical projectors are for use on an attacker or violently resisting suspect, within legal limits for necessary force.
- Projectors must not be used indiscriminately or preemptively before a threat of violence or resistance.
- Chemical agents are prohibited once a subject is secured in custody, except in cases of self-harm or harm to others.
- Application of the agent should generally occur from a distance of 3-18 feet. Closer use may:
 - Render the officer vulnerable to losing control of the projector,
 - Increase the risk of contamination to the officer,
 - Intensify and prolong the effects on the subject.
- The application duration shall be minimized to effectively control the subject. Generally, a one-second burst is recommended. No more than three one-second bursts should be fired directly at a subject's face unless the officer is at immediate risk of serious injury.
- Subjects must display alert reflexes such as blinking, eye closure, breath-holding, and turning away.
- Projectors should not be used near infants, as they are highly sensitive to vapors.
- Subjects exposed to chemical agents should receive first aid as soon as possible. Repuls decontamination kits should be used as directed for first aid.
- If initial first aid does not relieve symptoms, subjects should be taken to the nearest emergency hospital for further care.
- Officers experiencing impairment from exposure shall receive treatment as specified and report to the CLEO or their designee.
- All uses of the projector must be documented in the officer's Initial Complaint Report (ICR).
- Old projectors must be returned to the CLEO or designee before new ones are issued.

- Per MN STAT. 609.06, only approved chemical agents shall be used.
- Officers must exercise caution to ensure only intended persons are exposed.
- Chemical agents may not be used as punishment.

13. Taser Energy Weapon

- This section provides guidelines for the issuance and use of the Taser Energy Weapon.
- The Taser Energy Weapon is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.
- Only officers who have successfully completed department-approved training may be issued and may carry the Taser Energy Weapon.
- Officers shall only use the Taser Energy Weapon and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.
- Uniformed officers who have been issued the Taser Energy Weapon shall wear the device in an approved holster.
- Officers who carry the Taser Energy Weapon while in uniform shall carry it in a holster on the side opposite the duty weapon.
 - All Taser Energy Weapons shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
 - Officers should not hold a firearm and the Taser Energy Weapon at the same time.
- Non-uniformed officers may secure the Taser Energy Weapon in a concealed, secure location in the driver's compartment of their vehicles.
- Officers shall be responsible for ensuring that the issued Taser Energy Weapon is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.
- Taser Energy Weapons that are damaged or inoperative, or cartridges or magazines that are expired or damaged shall be returned to the Chief of Police, or their designee, for disposition. Officers shall submit documentation stating the reason for the return and how the Taser Energy Weapon or cartridge, or magazine was damaged or became inoperative, if known. An email will be considered sufficient documentation for the purposes of this section.

- A verbal warning of the intended use of the Taser Energy Weapon should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:
 - Provide the individual with a reasonable opportunity to voluntarily comply.
 - Provide other officers and individuals with a warning that the Taser Energy Weapon may be deployed.
- If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate a warning on the device, which may include an audible warning or the laser in a further attempt to gain compliance prior to the application of the Taser Energy Weapon.
- The laser should not be intentionally directed into anyone's eyes.
- The fact that a verbal or other warning was given, or the reasons it was not given shall be documented by the officer deploying the Taser Energy Weapon in a related report.
- The Taser Energy Weapon has limitations and restrictions requiring consideration before its use. The Taser Energy Weapon should only be used when its operator can safely deploy the device within its operational range. Although the Taser Energy Weapon may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.
- If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a Taser Energy Weapon may be considered for officer safety.
- The Taser Energy Weapon may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:
 - Is violent or is physically resisting.
 - Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.
- Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the Taser Energy Weapon to apprehend an individual.
- The Taser Energy Weapon shall not be used to psychologically torment, to elicit statements, or to punish any individual.
- The use of the Taser Energy Weapon on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- Individuals who are known to be pregnant.
 - Elderly individuals or obvious juveniles.
 - Individuals with obviously low body mass.
 - Individuals who are handcuffed or otherwise restrained.
 - Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
 - Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).
- Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.
 - Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:
 - Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
 - Whether the probes are making proper contact.
 - Whether the individual has the ability and has been given a reasonable opportunity to comply.
 - Whether verbal commands or other options or tactics may be more effective.
 - Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuromuscular incapacitation. With this consideration, two trigger pulls should be considered a single use of force, as two probes are the minimum needed to achieve the Taser Energy Weapon's intended purpose.
 - Additional probe deployments, beyond two, with the TASER 10™ should be justified by the officer, as set forth by this section.
 - Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the Taser Energy Weapon.
 - As soon as practicable, officers shall notify a supervisor any time the Taser Energy Weapon has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

- The Taser Energy Weapon may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.
- Officers are not authorized to carry office Taser Energy Weapons while off-duty.
- Officers shall ensure that Taser Energy Weapons are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.
- Officers shall document all Taser Energy Weapon discharges in the related arrest/crime reports and the Taser Energy Weapon report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the Taser Energy Weapon report form. Notification shall also be made to a supervisor. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the Taser Energy Weapon after use on a subject should be done as soon as practicable using an office-approved process to preserve the data.
- As applicable based on the device type, items that shall be included in the Taser Energy Weapon report form are:
 - The brand, model, and serial number of the Taser Energy Weapon and any cartridge/magazine.
 - Date, time, and location of the incident.
 - Whether any warning, display, laser, or arc deterred a subject and gained compliance.
 - The number of probes deployed, Taser Energy Weapon activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
 - The range at which the Taser Energy Weapon was used.
 - The type of mode used (e.g., probe deployment, drive-stun).
 - Location of any probe impact.
 - Location of contact in drive-stun mode.
 - Description of where missed probes went.
 - Whether medical care was provided to the subject.
 - Whether the subject sustained any injuries.
 - Whether any officers sustained any injuries.
- The Chief, or their designee, should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief, or their designee, should also conduct audits of Taser Energy Weapon device data downloaded to an approved location and reconcile Taser Energy Weapon report forms with recorded activations.

- The officer should include the following in the arrest/crime report:
 - Identification of all personnel firing Taser Energy Weapons
 - Identification of all witnesses
 - Medical care provided to the subject
 - Observations of the subject's physical and physiological actions
 - Any known or suspected drug use, intoxication, or other medical problems.
- The Chief of Police, or his designee, should review each incident where a person has been exposed to a Taser Energy Weapon. The device's internal logs should be downloaded and saved with the related arrest/crime report.
- Personnel who are authorized to carry the Taser Energy Weapon shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the Taser Energy Weapon as a part of their assignments for a period of six months or more shall be recertified by a qualified Taser Energy Weapon instructor prior to again carrying or using the device.
- Personnel who have been issued Taser Energy Weapons will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).
- A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Chief of Police. All training and proficiency for Taser Energy Weapons will be documented in the officer's training files.
- Officers who do not carry Taser Energy Weapons should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.
- The Chief of Police, or their designee, is responsible for ensuring that all members who carry Taser Energy Weapons have received initial and annual proficiency training. Periodic audits should be used for verification.
- Application of Taser Energy Weapons during training could result in injuries and should not be mandatory for certification.

14. Medical Treatment for Taser Energy Weapon Use:

- Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove Taser Energy Weapon probes from a person's body. Used Taser Energy Weapon probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.
- All persons who have been struck by Taser Energy Weapon probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- The person is suspected of being under the influence of controlled substances and/or alcohol.
 - The person may be pregnant.
 - The person reasonably appears to be in need of medical attention.
 - The Taser Energy Weapon probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
 - The person requests medical treatment.
- Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking.
 - If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.
 - The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Taser Energy Weapon.

15. Reporting Requirements:

- A use-of-force report is mandatory following any use of deadly or non-deadly force. The CLEO or a supervisor may waive this requirement if a thorough investigation is conducted.
- The CLEO or a supervisor shall review each incident, questioning officers as needed to determine policy compliance. The reviewing officer will annotate the use-of-force report, adding relevant details as required.
- If involved personally, the CLEO will assign an officer to review the incident, ensuring unbiased evaluation, and will submit the report with endorsements for further review.
- Incidents revealing policy violations are forwarded to the agency's attorney, who will provide guidance on handling and report distribution. Non-violation cases remain confidential and are filed chronologically in the "Use of Force Incidents" file.
- If the use of a firearm causes serious injury or death, the CLEO shall place the officer on paid leave, and the officer must consult with a post-trauma stress expert within 48 hours.
- Officers found guilty of malicious assaults or battery face charges of gross misconduct. The use of physical force is limited to legally specified tasks. Any considerable force must be reported to a supervisory officer and documented accordingly. Minor injuries requiring physician treatment will be attended at designated local facilities; life-threatening injuries require emergency hospital transport.
- Force must not be continued beyond physical restraint once a subject ceases resistance or unlawful behavior.

- Officers are bound by federal, state, and department policies regarding the permissible extent of force.

16. No Defense in Civil Actions:

- Under Minnesota State Statute 609.066 subdivision 3, sections 609.06, 609.065, and 629.33 do not serve as a defense in civil actions brought by innocent third parties.

17. Minimum Restraint for Arrest; Warrant Presentation:

- According to Minnesota State Statute 629.32, officers may only apply necessary restraint for arrest and detention. Upon request, officers must present the arrest warrant if available; otherwise, they must provide the warrant as soon as practicable.

18. When Force May Be Used to Make an Arrest:

- Minnesota State Statute 629.33 allows officers to use lawful means, excluding deadly force, to arrest a fleeing or resisting defendant. Officers may break into a dwelling after identifying their authority if they are refused admittance or must liberate themselves or others.

19. Justifiable Taking of Life:

- The intentional taking of life is unauthorized under section 609.06 unless necessary to prevent imminent great bodily harm or death, or to prevent a felony within one's residence.