

Chaska Police Department

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PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of deadly and non-deadly force.

POLICY

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interest is required. Therefore, it is the policy of this department that police officers shall use only that force which appears reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and another.

13.1 Definitions

Force - Any use of force beyond the mere, resistance free application of handcuffs.

Reasonable Force - Force that is *reasonably* necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

Unreasonable / Excessive Force - An amount of force used that exceeds a *reasonable* level needed to control a situation.

Deadly Force - Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

Non-deadly Force - Any use of force other than that which considered deadly force.

Reasonable Grounds or Reasonably Knows or Reasonable Belief - When facts or circumstances the officer believes, knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar manner under similar circumstances.

Great Bodily Harm (Serious Physical Injury) - Bodily injury which causes a 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.

13.2 USE OF DEADLY FORCE

13.2.1 Use of Deadly Force Justified

Use of deadly force by a peace officer in the line of duty is justified only when necessary:

- To protect the peace officer or another from apparent death or great bodily harm;
- To effect the arrest of capture, or prevent the escape, of a person whom the 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; or
- To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that a person will cause death or great bodily harm if the person's apprehension is delayed. (Note: A fleeing felon should not be presumed to pose an immediate threat to life in the absence of actions that would lead one to reasonably believe such is the case, such as previously demonstrated threat to or wanton disregard for human life.)

13.2.2 Other Circumstances for Discharging Weapon

A police officer may also discharge a weapon under the following circumstances:

- During range practice or competitive sporting events.
- To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. Prior supervisor approval should be obtained when possible.

13.2.3 Restrictions when Weapon is Exhibited

Police Officers shall adhere to the following restrictions when their weapon is exhibited:

- Except for maintenance, training, or in the performance of potentially threatening duties, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
- Warning shots are prohibited.
- Firing a weapon from or at a moving vehicle is inherently dangerous to both the involved officer and innocent third parties. Therefore, officers should avoid firing weapons from a moving vehicle or at a moving vehicle; except in circumstances permitting the use of deadly force and after careful consideration of the possibility of collateral injury or death.

13.2.4 Parameters of Use of Non-deadly Force

Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control.

Police officers are authorized to use department approved non-deadly force techniques and issued equipment for resolution of incidents, as follows:

- To protect themselves or another from physical harm;

- To restrain or subdue a resistant individual;
- To bring an unlawful situation under effective control.

3.4 TRAINING AND QUALIFICATIONS

13.4.1 Deadly Force

Authorized Weapons

Uniformed Duty Weapons

- Department approved Semi-automatics
- Department supplied AR15
- Department supplied .22 caliber rifle (to be used only for the disposal of a sick or injured animal).

Ammunition

Non-modified Department Issue Only

On Duty - Officers will carry weapons and ammunition authorized by and registered with the department. Authorized weapons are those approved by the department which the officer has qualified and received department sponsored training on proper and safe usage.

Off Duty - Officers may carry weapon(s), which are not owned or supplied by the department, as governed by and in accordance with MN State Statutes.

Relieved of Duty - Officers will not carry weapons of any kind during any period of time when they are relieved of duty without the approval of the Chief of Police.

Training and Qualification - The police department shall schedule regular training and qualification session for duty and specialized weapons, which will be graded on a pass/fail basis.

Police officers who fail to receive a passing score on the annual qualifications with their duty weapon(s) in accordance with department testing procedures shall be relieved of their police powers and immediately reassigned to non-enforcement duties until achieving successful re-qualification.

Requalification after Extended Leave, Illness, or Injury

A police officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

Receiving Directive and Competent Instructions - Because of the importance of subject resistance procedures, all sworn agency members must be issued copies of this directive and receive competent instructions in the application of these procedures prior to being authorized to carry firearms.

13.4.2 Non-deadly Force Weapons and Methods

A police officer is not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.

Under no circumstances may any officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.

When an individual offers only passive resistance to arrest, an officer shall bodily remove and transport such individual with as much regard to the individual's safety and welfare as is reasonable and practical.

The following non-deadly weapons are authorized:

Expandable Baton – an officer may use an expandable baton only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation.

An officer shall not intentionally strike an individual above the shoulders, unless such an action would be justified under the Use of Deadly Force guidelines.

Any person struck with an expandable baton who shows signs of or complains of injury must be provided medical attention, a report must be submitted, and a supervisor notified prior to going off shift.

Oleoresin Capsicum (O.C.) - This agent may be used by an officer under the following conditions:

- An arrest subject has not complied with repeated officer commands and the officer reasonably believes force is required to control the subject. The subject will be warned that noncompliance will result in agent use and effects, unless unsafe to do so.
- Whenever physical control techniques are warranted.

O.C. should be sprayed directly into the subject's face.

O.C. shall not be used once an individual is subdued and under control of an officer.

When the subject has been secured and resistance has ceased, make every reasonable effort to relieve the discomfort of the subject and any affected bystanders. Conditions permitting, use clear water to relieve eye inflammation.

Area contamination should be negligible. Wash your hands to prevent possible residue getting in your eyes.

Moving air and natural body action will remove all symptoms of O.C. within thirty minutes with no after effects.

A full description of the use of the agent should be included in your police report.

Taser – The M-26 and X-26 Advanced TASER is a hand-held, battery-operated, less lethal conducted energy weapon. Voltage is applied to a subject via two darts propelled from a charged cartridge, or by direct contact. The taser overrides the central nervous system through electro-muscular disruption. The X-26 TASER affects the sensory and motor nervous system, resulting in temporary, involuntary muscle contractions. The contractions incapacitate a subject so they can be placed under the control of law enforcement officers.

Deployment Decision

- The Taser may only be carried and/or deployed by trained, certified officers. Deployment includes firing the probes at a subject, or delivering a drive stun via direct contact. Deployment of the taser should be limited to situations where physical force is justified to control aggressive, non-compliant and/or combative subjects, thereby reducing the likelihood of injury to officers and subjects.
- If the Taser is deployed in a situation where deadly force is justified, there shall be more than one officer present, and the Taser will be deployed only if lethal cover is present.
- The Taser shall not be used on restrained subjects, unless the actions of the subject may cause harm to themselves or any other person.
- The Taser shall not be deployed in the presence of fumes or liquids known to be, or likely to be, flammable.
- The Taser should not be fired upon, nor drive stun utilized on women known to be pregnant, or claiming to be pregnant, unless all other means short of lethal force are exhausted.
- Officers should carefully consider the Taser and other force options before using the Taser on young children, obviously frail or infirm subjects.
- Courts have determined that it is unlawful to utilize a Taser on a nonviolent, suspected misdemeanor who is not fleeing or resisting arrest.

Subject Resistance Continuum

The Taser is considered a less-lethal, intermediate weapon, less likely to have lasting effects on a subject than impact weapons. Based on this injury potential, the Taser has been placed at the “Active Resistance” level.

Target Areas

The Taser is most effective when probes strike center mass and/or major muscle groups. The Taser should not be aimed at the area above the shoulders of a subject.

In drive stun applications, nerve bundles throughout the body are legitimate targets.

When possible, and only when doing so will not jeopardize officer safety, officers should consider placing the probes in an area of the body other than across the chest cavity. Medical studies have shown that the Taser has no effect on cardiac function, however media and public reaction might be eased with this step.

Safety Considerations

- The deploying officer shall inform other officers of the presence and/or planned use of the Taser when tactically prudent and practical, so that the Taser shot is not mistaken for a gunshot.
- Assisting officers should move in to control the subject as soon as possible, particularly while the Taser is dispensing the electrical charge.
- The Taser should not be used when the subject is in danger of falling from a significant height.
- The Taser should not be used when a subject is in water where drowning is a possibility.
- Used darts are a biohazard and must be treated as such. This includes the use of gloves when handled by officers.
- Officers should make every effort to avoid placing darts in soft tissue areas, including the face, eyes, throat or groin. Medical personnel must remove darts that may have penetrated soft tissue areas, hands, or a female subject's breast.

Documentation

- When an officer deploys a Taser in any fashion, a subject resistance report shall be completed.
- When a Taser is deployed by firing or by drive stun, reasonable efforts should be made to photograph the impact points on a subject's body.
- Officers shall log expended cartridges into evidence, leaving the wires intact and "bird-nested", rather than wrapped, and placing the darts into the cartridge so that the points face down.

REMOTE RESTRAINT DEVICE

PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of BolaWrap™ 100 device in order to facilitate a safe and effective response to minimize injury to suspects, subjects, and peace officers.

POLICY

The BolaWrap™ 100 device is intended to immobilize and control resistive and non-compliant persons. The BolaWrap™ 100 is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

ISSUANCE AND CARRYING BOLAWRAP 100 DEVICES

The following guidelines shall be adhered to:

- a) Only a department-approved BolaWrap™ 100 device that has been issued by the Department shall be utilized by a peace officer.
- b) The BolaWrap™ 100 device should be treated as always loaded.
- c) Only peace officers who have successfully completed department-approved training may be issued and carry the BolaWrap™ 100 device.
- d) Uniformed peace officers who have been issued the BolaWrap™ 100 device may use an approved holster on their person, or the device shall be stored in an approved case in their patrol vehicle. The peace officer may transfer the BolaWrap™ 100 device to their person or pocket when necessary prior to deployment.
- e) Peace officers shall be responsible for ensuring that their issued BolaWrap™ 100 device is properly maintained and in good working order at the beginning of each shift.
- f) Peace officers should not aim both a firearm and the BolaWrap™ 100 device at an individual at the same time to prevent accidental discharge of a firearm.

VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the “less lethal” device should precede its application, unless it would otherwise endanger the safety of peace officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- a) Provide the individual with a reasonable opportunity to voluntarily comply.
- b) Provide other peace officers and individuals with a warning that the BolaWrap™ 100 device may be deployed.

The aiming of laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The device shall be held level and horizontally directed at the subject. The device shall not be aimed in a vertical configuration. This can cause the pellets to strike the subject, causing possible injury.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the peace officer deploying the BolaWrap™ 100 device in the related police report.

USE OF THE BolaWrap™ 100 DEVICE

Nothing in this policy mandates that a peace officer use the BolaWrap™ 100 device.

The BolaWrap™ 100 device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap™ 100 device is generally effective in controlling most individuals, peace officers should be aware that the device may not achieve the intended results and be prepared with other options. Assisting peace officers should move in to control the subject as soon as possible and safe to do so.

APPLICATION OF THE BolaWrap™ 100 DEVICE

The BolaWrap 100 device may be used in any of the following circumstances, when the circumstances perceived by the peace officer at the time indicate that such application is reasonably necessary to control a person:

- a) The subject is non-compliant and passively or actively resisting.
- b) The subject is violent, or is assaultive, or armed.
- c) The subject 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, him/herself or others.

SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the BolaWrap™ 100 device 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 peace officer, the subject or others, and the peace officer reasonably believes that the need to control the individual outweighs the risk of using the device. If the BolaWrap™ 100 is deployed in a situation where deadly force is justified, there shall be more than one peace officer present with at least peace officer providing lethal cover for the peace officer(s) deploying the BolaWrap™ 100. This includes:

- a) Women who are known to be pregnant or claim to be pregnant unless all other means short of lethal force are exhausted.
- b) Elderly individuals, obviously frail or infirm subjects and young children.
- c) Individuals who are handcuffed or otherwise restrained unless the actions of the subject may cause harm to themselves or any other person.

- d) Individuals that are closer than 10 feet. A range of less than 10 feet does not allow the Wrap to fully deploy and doing so can cause the pellet to detach or strike the subject possibly causing serious injury.
- e) Do not use the device on individuals in crowded situations, ie; if there is possibility of the pellet hitting bystanders.
- f) Individuals detained in a police vehicle.
- g) Individuals in control of a motor vehicle.
- h) Individuals detained in a booking or holding cell.
- i) Individuals near flammable or combustible liquids or fumes.
- j) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- k) Individuals near any body of water that may present a drowning risk.
- l) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, running).

The BolaWrap™ 100 device shall not be used to psychologically torment, elicit statements or to punish any individual.

TARGETING CONSIDERATIONS

The preferred target area is knees and below. Reasonable efforts should be made by a peace officer to target the lower extremities. If the opportunity presents itself, it is possible to target the lower arms. The head, neck, chest and groin shall be avoided. Hitting the face or neck can cause severe injury or death. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the BolaWrap™ 100 device to a precise target area, peace officers should immediately monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is provided medical attention by paramedics or other medical personnel. A peace officer shall not intentionally aim the device above the subject's chest, unless such an action would be justified under Use of Deadly Force guidelines

MULTIPLE APPLICATIONS OF THE BolaWrap™ 100 DEVICE

Because of the low-level force being used, the device may be deployed multiple times on the same individual. If the first application of the BolaWrap™ 100 device appears to be ineffective in gaining control of an individual, the peace officer should consider certain factors before additional applications of the device, including:

- a) Whether the Kevlar cord or pellets/barbs are making proper contact.
- b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c) Whether verbal commands, other options or tactics may be more effective.

ACTIONS FOLLOWING DEPLOYMENT

Following the use of the BolaWrap™ 100 device:

- a) A peace officer shall notify a supervisor prior to the end of his/her shift.
- b) If the peace officer determines that removal of the pellets/barbs is appropriate at the scene, the peace officer shall remove the Kevlar cord using a department issued cutting tool. The Kevlar cord may also be unwrapped by hand when appropriate.
- c) The expended cartridge, pellets/barbs and Kevlar cord should be collected and submitted into evidence.
- d) Reasonable efforts should be made to photograph and/or video record the impact area on the subject's body.

REPORTING THE USE OF THE BolaWrap™ 100

- a) A peace officer that deploys BolaWrap™ 100 in any fashion shall complete a Response to Resistance and police report documenting the peace officer's actions.

OFF-DUTY CONSIDERATIONS

Peace officers are not authorized to carry department BolaWrap™ 100 devices while off-duty. Officers shall ensure that BolaWrap™ 100 devices are secured in a manner that will keep the device inaccessible to others.

DOCUMENTATION CONSIDERATIONS

Peace officers shall document all BolaWrap™ 100 device discharges. The unintentional discharges, pointing the device at a person, and laser activation will also be documented:

- a) The BolaWrap™ 100 device & cartridge serial numbers when the device is discharged.
- b) Date, time and location of the incident.
- c) Whether any display or laser deterred a subject and gained compliance.
- d) The number of BolaWrap™ 100 device activations and the duration between activations.
- e) The range at which the BolaWrap™ 100 device was used.
- f) Location of any deployments impact.
- g) Description of where missed deployments went.
- h) Whether medical care was provided to the subject.
- i) Whether the subject sustained any injuries.

- j) Observations of the subject's physical and physiological actions.
- k) Whether any officers sustained any injuries.
- l) Any known or suspected drug use, intoxication or other medical problems.

The Chief of Police and/or his designee should be periodically briefed by the Lieutenant of Patrol Division & Field Operations Commander with an analysis to identify trends, including deterrence and effectiveness of the BolaWrap™ 100 device.

MEDICAL TREATMENT

Any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person may be pregnant.
- (b) The person reasonably appears to be in need of medical attention.
- (c) The BolaWrap™ 100 device pellets/barbs are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) The person requests medical treatment.

TRAINING

A peace officer shall not carry, use or deploy the BolaWrap™ 100 device until they have received proficiency training and certification on the device. After initial certification the peace officer shall participate in annual proficiency training with the BolaWrap™ 100 device.

Peace officers who do not carry BolaWrap™ 100 device will receive training to familiarize themselves with the device.

Less Lethal

Chaska Police
Department

PepperBall Policy

PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of PepperBall System in order to facilitate a safe and effective response to minimize injury to individuals and peace officers.

POLICY

PepperBall is a Less Lethal chemical agent delivery system that provides peace officers with a safe and effective compliance systems. PepperBall projectiles combine a safe level of kinetic impact with LIVE or LIVE X PAVA. These powder or liquid filled plastic projectiles are accurately delivered from a safe distance that uses high-pressure air, CO2 or compressed air with TCP pistols and/or VKS rifle launchers from limited capacity magazines to deliver PAVA powder/or liquid projectiles. Area saturation with PAVA can be achieved from safe distances. As the projectiles impact and break apart, the PAVA cloud enters the breathing passages. Response to inhaling PepperBall can vary among individuals but in most cases the symptoms last for a few minutes.

DEFINITIONS

Display: Pointing the PepperBall rifle launcher or pistol in the direction of another person with no deployment of the PepperBall projectiles.

Area denial or area saturation: A use of PepperBall PAVA to deny access to an area or gain compliance of movement from an area. In this deployment, PepperBall projectiles will be launched to impact surrounding objects like walls, ground, automobiles, trees, and must not be launched directly at the individual. The PAVA cloud is designed to expose individuals to the chemical agent in an effort to gain physical change in behavior of the individual or compliance with verbal commands.

Direct impact: With PepperBall PAVA projectiles to an individual. Direct impact deployments use a combination of kinetic impact and chemical agent exposure.

PepperBall PAVA: PAVA is one of six capsaicinoids found in pepper plants. PAVA is one of the hottest capsaicinoids and is an amide of Pelargonic Acid and Vanillylamine (thus, PAVA). The PepperBall products contain only purified non-oil based PAVA. PAVA is produced at a pharmaceutical grade and is used in Tabasco sauce, spice packs, cooking oils, and is non-Flammable.

REQUIRED EQUIPMENT

PepperBall equipment will consist of a Tactical Compact Pistol (TCP) PepperBall pistol and/or variable Kinetic System (VKS) rifle launcher, two PepperBall magazines, and LIVE PAVA, Inert Scent Talcum Powder Projectiles, and/or LIVE X PAVA round and/or shaped projectiles, and one PepperBall patrol bag.

Inert Scent Talcum Powder Projectiles are authorized for training and for use in a direct impact situation when you do not want to have PAVA present (such as a hospital or school).

PepperBall rifles shall be operated with compressed air ranging between 1500 to 3000 PSI.

ISSUANCE AND CARRYING PEPPERBALL DEVICES

The following guidelines shall be adhered to:

- a) Only a department approved PepperBall devices that have been issued by the Department shall be utilized by a peace officer or other personnel.
- b) Only peace officers or other personnel who have successfully completed department-approved training may be issued and carry the PepperBall pistol or rifle.
- c) Uniformed peace officers who have been issued the PepperBall device shall wear the device in an approved holster on their person or stored in an approved PepperBall patrol bag.
- d) The training unit shall be responsible for ensuring that the PepperBall devices are properly maintained and in good working order.
- e) A peace officer shall not simultaneously point a firearm and PepperBall pistol or rifle at an individual at the same time to prevent accidental discharge of a firearm.
- f) The training unit staff will maintain an inventory of all department issued PepperBall launchers. Including an accurate record of the location of the devices and maintenance history.
- g) A peace officer shall carry the TCP pistol on their support side. A Community Service Officer (CSO) may carry the TCP pistol on either side.

VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the “less lethal” device should precede its application, unless it would otherwise endanger the safety of peace officers or when it is not practicable due to the circumstances. Before deployment, if possible, a peace officer or other personnel will notify the dispatcher and other peace officers by radio that PepperBall is being deployed. The purpose of the warning is to:

- a) Provide the individual with a reasonable opportunity to voluntarily comply.
- b) Provide other peace officers and individuals with a warning that the PepperBall system may be deployed.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the peace officer or other personnel deploying the PepperBall system in the related police report.

USE OF THE PEPPERBALL SYSTEM

The display only of a PepperBall launcher is classified as low level force. While deployment of PepperBall as an Area Denial or Saturation option is classified as a low-level force is authorized in response that meets the definition of passive resistance. Deployment of PepperBall in a manner intended to impact an individual is authorized in response to resistance or aggression that meets the definition of assaultive resistance on the Chaska Police Subject Resistance Continuum.

When an animal is attacking, PepperBall system may be used by a peace officer or other personnel to protect a domestic animal, another individual or themselves from an attacking animal. This may include Area Denial or Saturation and/or direct projectile impact to the attacking animal.

SPECIAL DEPLOYMENT AND TARGETING CONSIDERATIONS

The use of PepperBall is classified as a non-lethal device, there is potential for PepperBall projectiles to inflict injury when they strike the face, eyes, neck, spinal column, breasts of a female, and groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas unless deadly force exists. Peace officers and other personnel will target center mass, legs or arms, as well as the surfaces around the individual. If a PepperBall device is deployed in a situation where deadly force is justified, there shall be more than one peace officer present with at least one peace officer providing lethal cover for the peace officer(s) deploying the PepperBall system. Special deployment considerations shall include:

- a) Women who are known to be pregnant or claim to be pregnant unless all other means short of lethal force are exhausted.
- b) Elderly individuals, obviously frail or infirm subjects and young children.
- c) Individuals who are handcuffed or otherwise restrained unless the actions of the subject may cause harm to themselves or any other person.
- d) Do not use the device on individuals in crowded situations, i.e.; if there is possibility of the pellet hitting bystanders.
- e) Individuals detained in a police vehicle.
- f) Individuals in a moving motor vehicle.
- g) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- h) Individuals whose position or activity may result in collateral injury (e.g., falls from height, or operating vehicles).

The PepperBall system shall not be used to psychological torment, elicit statements or to punish any individual.

MULTIPLE APPLICATIONS OF THE PEPPERBALL DEVICE

If the PepperBall system appears to be ineffective in gaining control of an individual, the peace officer or other personnel should consider certain factors before additional applications of the device, including:

- a) Whether the projectiles are making proper contact.
- b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c) Because of the low-level force being used, the device may be deployed multiple times on the same individual.
- d) Whether verbal commands, other options or tactics may be more effective.

ACTIONS FOLLOWING DEPLOYMENT

Following the use of the PepperBall device:

- a) The peace officer or other personnel shall complete a Response to Resistance and police report documenting their actions.
- b) The peace officer or other personnel shall notify a supervisor prior to the end of his/her shift.
- c) Reasonable efforts should be made to photograph the impact area on the individual's body.

MEDICAL TREATMENT

The PepperBall system can deliver projectiles that can produce temporary abrasions, bruises, and/or welts. Any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The individual may be pregnant.
- (b) The individual reasonably appears to need medical attention. This includes, but not limited to breathing difficulties or loss of consciousness.
- (c) The individual complains of injury or requests medical treatment.
- (d) Keep the individual calm and expose them to fresh air.

- (e) Rinse the affected areas with cool clean water.
- (f) Check for unusual reactions to avoid injury.

TRAINING

A peace officer and other personnel shall not carry, use or deploy a PepperBall device until they have received proficiency training and certification. After initial certification the peace officer and other personnel shall participate in annual proficiency training with the PepperBall system.

Peace officers or other personnel who do not carry PepperBall shall receive training to familiarize themselves with the devices.

13.5 REPORTING SUBJECT RESISTANCE

13.5.1 Reports

A written report and "Subject Resistance" computer file entry will be required in the following situations:

- When a duty firearm is discharged outside of the firing range. When an animal is dispatched, a Subject Resistance Report will be completed but a written report is not required.
- When a use of force and/or firearm discharge results in injury, or death.
- When a non-lethal weapon is used on a person.
- When any officer action results, or is alleged to have resulted in the injury, or death of a person (including motor vehicle related actions.)
- Any use of force beyond handcuffing, regardless of subject complaint or injury.

The officer's written report should, at a minimum, detail the circumstances of the incident, contain an explanation of what force was used, why it was used, and the extent of injury inflicted or sustained.

An analysis of Subject Resistance will be completed annually by a member of the CPD command staff as designated by the Chief of Police who will identify any patterns which exist that require training, or policy modification, and make appropriate recommendations to the Chief of Police.

Officer(s) will summon a supervisor to the scene as per 13.5.2

13.5.2 Subject Resistance Investigation

An on-duty supervisor will be immediately summoned to the scene, and will comply with investigative procedures (e.g., photographs, statements, etc.) as required by the department in the following situations:

- When a firearm is discharged outside of the firing range (excluding routine situations calling for an animal to be destroyed.)
- When a subject resistance incident results in injury, or death.
- When a subject complains that an injury has been inflicted by an officer.
- If there is no on-duty supervisor, the on-call supervisor will assess whether a supervisor response to the scene is necessary and / or a supervisor's report is necessary based on the severity of the injury and other circumstances.

The supervisor's report will contain a specific section, which will address the propriety of the use of force, and determine whether actions were in accordance with departmental policy and procedures. The Chief of Police will be advised, and the Chief will make 1 of 3 possible determinations:

- Force used was appropriate.
- Force used was within policy; however, a better alternative existed (in which case the officer's training needs will be examined.)
- Force used was outside of policy, and an internal investigation will be conducted (departmental action will be determined by the Chief of Police, upon the completion of the investigation.)

13.5.3 Post-Shooting / Serious Injury or Death Investigation Process

The following procedures will be used to investigate incidents of firearms discharge by CPD personnel (*except* for training, firearm examinations, and animal control), **and** investigation of officer related serious injury, or death incidents:

Guidelines for Officer Involved

- Whenever an officer discharges a firearm in the course of official duty either accidentally or intentionally, or is involved in an event that causes serious injury, or death to another the officer shall immediately:
 - Ensure the scene is safe.
 - Determine the physical condition of any injured person and render first aid, when appropriate.
 - Request necessary emergency medical aid.
 - Notify the dispatcher of the incident and location, and request CPD supervisor notification.
- Remain at the scene (unless injured) until the arrival of the appropriate investigator(s) and/or supervisor(s). If circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, the supervisor at the scene has the discretion to direct the officer to a more appropriate location.
- Officers involved will be required to provide a general, verbal overview of the incident to assigned supervisors(s), or investigator(s) as soon as circumstances permit.
- Employees involved shall prepare and submit a complete report, which details the incident, when circumstances permit.
- Upon return to CPD offices, the officer's firearm, leather gear / equipment, and clothing shall be submitted for examination to the appropriate investigator or supervisor. When directed, officer(s) shall surrender their firearm. Officers surrendering a firearm will be issued another CPD firearm at the direction of the Chief of Police.
- The officer(s) shall give an adequate sample of blood for alcohol and chemical testing. This does not prejudice guilt or innocence on the part of the officer(s).
- In the case of a serious injury, or a death the involved officer(s) shall be placed on administrative leave, without loss of pay or benefits, pending the results of the investigation(s), or by order of the Chief of Police.
- The officer(s) shall not discuss the case with anyone except:
 - Assigned supervisory and investigative personnel.
 - The officer's personal attorney, union representative, licensed psychologist, clergy or immediate family.
 - CPD designated attorney(s).
 - CPD designated consulting psychologist(s).
- Officer(s) shall not grant any interview(s) with the news media, without the approval of the Chief of Police.
- Officer(s) shall make themselves available for official interviews, statements, and testimony regarding the case, as needed.

Guidelines for Field / Shift Supervisor

(See also 13.8 Supervisor Checklist)

The Field / Shift Supervisor shall:

- Proceed immediately to the scene.
- Secure the scene and any evidence.
- Assist the officer(s) involved.
- Ensure that the dispatch center has:
 - Requested necessary medical aid.
 - Notified the Chief of Police and Command Staff.
 - Taken steps necessary to save all telephone, radio, and 9-1-1 tapes related to the incident.
- Only minimal, preliminary questions should be asked of the officer(s) about the incident. The officer(s) should be advised that a more detailed debriefing will be conducted at a later time.
- Establish a calm on site location for officer(s) involved to stand-by, with another uninvolved officer, while awaiting responding supervisors and investigators. Officers will be admonished not to discuss the incident in this setting. Officer(s) assigned to stand-by with involved officer(s) will not leave this post for any reason, nor will they allow anyone outside of assigned supervisors and/or investigators to make contact with involved officer(s) in this setting.
- Conduct a preliminary field investigation.
- Identify and hold any / all witnesses.
- Render supervisory assistance to the assigned investigator(s).

What To Do If An Officer Is Shot, Or Seriously Injured

- Immediately advise the Chief of Police, or designee who will personally notify the officer's family and arrange transportation for them.
- Immediately send an officer to the hospital to gain any information possible, and protect the officer as is necessary.
- Secure hospital and control telephone information (possibly by requesting mutual aid.)
- Try to avoid placement of officer, and suspect in same hospital.
- Do not identify the hospital.
- Do not release the officer's name.
- Secure scene.
- Maintain as evidence all officer's clothes, and equipment.
- Check for officer's written notes, or what may be on officer's MCT/Computer

Incident Investigation

The department will conduct a thorough investigation of every firearms incident, as directed by the Chief of Police.

In the case of serious injury, or death two separate--yet parallel--investigations will be conducted. The Chief of Police may also direct that this be done with any incident which involves the discharge of a firearm, or use of force.

One of these investigations will be criminal in nature (this does not prejudice guilt or innocence on the part of the officer(s)).

Incidents involving serious injury, or death will be investigated by an outside law enforcement agency. Ordinarily CPD will call upon the Minnesota Bureau of Criminal Apprehension (BCA). The Chief of Police (or senior available commander) will decide which outside law enforcement agency should conduct the investigation. Notification of this decision should be forwarded to the selected agency, other affected Chiefs of Police / Sheriffs, and the Coroner [for deaths] as soon as possible.

The other (parallel) investigation will be an Administrative, or Internal investigation, and will be commanded by the designee of the Chief of Police. The purpose of this investigation will be to review the incident and officer(s) actions, to determine if they fall within department policy, procedure, and training.

The criminal investigator and administrative investigator will work together, and share all information **except** interviews with and/or formal statements given by the officer(s) involved. Officer(s) involved will be interviewed separately by these investigators. The criminal investigator can and will share this information with the administrative investigator; however, the administrative investigator will **not** share any officer(s) interview / statement information with the criminal investigator.

Statement Advisory -- to be given to the involved officer(s) prior to interviews and statements:

- If the investigation is criminal in nature: "Miranda" Warning
- If the investigation is administrative in nature: "Garrity" Warning (see CPD General Order 33.7)

Officers' Rights and Privileges

All officers have certain rights and privileges that have been granted to them under the Constitution of the United States, the Constitution of the State of Minnesota, the Peace Officer Discipline Procedures Act (also known as the Police Officers' Bill of Rights), and Minnesota State Statutes.

Incident Information Management: (Also See CPD General Order 37)

- Involved officers should notify their families about the incident as soon as possible. Typically this will be done by telephone (possibly cell phone.) This communication should be kept simple, such as, "I have been involved in a shooting. I am okay. I will call you later."
- If an officer is unable to do so, the Chief of Police or designee shall personally notify the family, and arrange for their transportation to the hospital, or appropriate location.
- Only the Chief of Police, or the Chief's designee shall release any information, or photographs to the news media.
- Non-involved department personnel will be briefed to avoid rumors, by the Chief of Police or designee. Department members will keep all information learned in the strictest confidence.

Reporting Requirements

- Officers involved will submit reports as directed by this policy, and assigned supervisors.
- The criminal investigator will submit reports directly to the Chief of Police.
- The administrative investigator will submit reports directly to the Chief of Police.
- The Chief of Police will direct reports to the Coroner, County Attorney, (or assigned prosecuting attorney), and others as needed.

- The Chief of Police (in accordance with Minnesota Statute 626.553, subd. 2) shall submit a Firearms Discharge Report to the Minnesota Department of Public Safety Office of Information Systems Management, whenever an officer discharges a firearm in the course of duty other than for training purpose, or animal control. The report must be filed within 30 days of the incident, and shall include the reasons and circumstances surrounding the discharge.

Counseling

Employees directly involved in shooting incidents (or other events as determined by the Chief of Police) may be required to attend a Post-Critical Incident Psychological Consultation. The confidential consultation will be conducted by a department approved psychologist, or other qualified mental health professional, with the intended purpose to:

- Provide the employee an opportunity to discuss their thoughts, feelings, or other reactions to the incident.
- Provide the employee with appropriate feedback regarding those reactions in order to help the employee cope with the psychological after-effects of the incident.

The psychologist may submit recommendations to the Chief of Police concerning the need for further counseling. Information concerning the consultation shall be kept confidential unless:

- Released by the subject officer.
- The psychologist believes the officer may be a danger to themselves or others.
- Employees involved in an incident may obtain additional confidential counseling services, upon request by notifying the Chief of Police. Supervisors may use the chain of command to recommend confidential counseling services for employees who have been involved in an incident.
- The families of employees involved in an incident will also be offered confidential counseling with a psychologist, or other mental health professional to aid them in coping with the potential after-effects of an incident.

13.6 DEPARTMENTAL RESPONSE**13.6.1 Deadly Force Incident**

Where a police officers use of force causes death, the officer shall be placed on administrative leave after completing all internal investigative requirements, and until it is determined by a mental health professional that the police officer is ready to return to duty.

The department will ensure the completion of both an administrative and criminal investigation of the incident.

13.6.2 Administrative Review of Critical Incidents

A subject resistance resulting in death or injury will be reviewed by the Chief of police or designee. The purpose of the review is to determine if:

- The use of force was necessary and within department guidelines;
- Training needs should be considered;
- Policy changes should be considered.

13.7 VIEWING OF IN-CAR AND/OR BODY WORN CAMERA (BWC) VIDEO RECORDING POST CRITICAL INCIDENT AND PRIOR TO OFFICER(S) PROVIDING STATEMENTS**13.7.1 Scope**

Critical Incident defined:

A police officer involved action wherein death and/or great bodily harm results.

All other video viewing policy and matters germane to video data is addressed and governed by the department "Body-Worn Camera policy, and/or the department "In-Car Camera Policy".

13.7.2 Policy

Prior to viewing video related to an officer involved critical incident, the involved officer(s) and department will abide by the following:

A meeting will be arranged between the officer(s), officer(s) legal counsel and the primary investigating agency's personnel prior to the taking of a statement. If, after his meeting, the officer(s) legal counsel believes it is in the best interest of their client(s) to view the video recordings, the officer will be allowed to do so. The viewing is to be coordinated between legal counsel and the primary investigating personnel.

If the video is viewed prior, or after, giving a statement; the viewing will be documented in the investigative report.

If issues or concerns arise during the investigation, the investigating personnel will contact the Chaska Chief of Police or the Chief's designee, in an effort to resolve the situation.