

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Control 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:

- (a) obtained training in the technical, mechanical and physical aspects of the device; and
- (b) developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

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.

De-escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

PPD Neck Restraint - A specialized restraint that is predicated upon lateral compression to both sides of the neck leaving an opening for the trachea with the crook of the elbow. Sufficient lateral compression on both sides of the neck causes a temporary interruption to cerebral circulation, eventually resulting in the loss of consciousness to a subject if the compression is maintained. Proper application avoids unnecessary pressure to the trachea and larynx, significantly reducing the likelihood of injury. The PPD neck restraint may only be used when MN State Statute 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm.

Use of Force

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

Reasonable Officer - An objective standard that officers with similar training and similar experiences would be expected to draw similar conclusions as a reasonable officer.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Plymouth Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

300.2.2 ADDITIONAL REQUIREMENTS

An officer reporting a use of force by another law enforcement officer or member pursuant to this policy shall also make the report in writing to the Director of Public Safety within 24 hours (Minn. Stat. § 626.8475).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

Use of Force

300.3 VERBAL PERSUASION AS A MEANS OF DE-ESCALATION

- (a) The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment, which may lead to physical resistance.
- (b) Simple directions that gain compliance are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.
- (c) In any verbal confrontation, fear and anger should be diffused before an individual will be able to understand officer's commands. This will require good communication skills and patience.
- (d) Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a subject or commission of a crime, an officer should allow an individual time and opportunity to submit to verbal commands before force is used.
- (e) These guidelines are not meant to suggest that an officer should ever relax and lose control of a situation thus endangering the officer's personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.

300.4 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Use of Force

300.4.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

- (a) In effecting a lawful arrest.
- (b) In the execution of a legal process.
- (c) In enforcing an order of the court.
- (d) In executing any other duty imposed by law.
- (e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
- (f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
- (g) In self-defense or defense of another.

An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.

Plymouth Police Department

Policy Manual

Use of Force

- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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

300.4.3 USE OF PHYSICAL FORCE

When confronted with a situation, which may necessitate the use of physical force, consideration should be given to call additional back-up officers prior to the contact.

Sometimes subjects are reluctant to be taken into custody and offer some degree of physical resistance.

Defensive tactics are those physical techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. Officers must ensure that they are capable of utilizing physical skills to subdue a person. On the other hand, good judgment is extremely important in deciding which tactics to use and how much force to apply. The force used must be reasonable and necessary.

Officers have been trained in ground defense techniques, takedowns and two methods of empty hand techniques. The first, "Soft Empty Hand", includes escorts, joint locks, pressure points, and cuffing techniques. The second, "Hard Empty Hand", includes stuns, strikes, and kicks.

Officers utilizing any empty hand technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any empty hand technique shall be discontinued once the officer determines that compliance has been achieved.

300.4.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers

Use of Force

should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

300.4.5 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Officers may not use any of the following restraints unless the use of deadly force is authorized (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

- (a) A chokehold. For purposes of this policy, a chokehold only refers to the method of applying sufficient pressure to an individual 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.
 - 1. If applied, a chokehold is subject to the same guidelines and requirements as the PPD Neck Restraint.
- (b) Tying all of an individual's limbs together behind the person's back to render the person immobile.
- (c) Securing an individual in any way that results in transporting the person face down in a vehicle.

300.5 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

- (a) To protect the officer or another from death or great bodily harm, provided that the threat:
 - 1. can be articulated with specificity.
 - 2. is reasonably likely to occur absent action by the law enforcement officer; and
 - 3. 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 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 unless immediately apprehended.

A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria noted above.

Plymouth Police Department

Policy Manual

Use of Force

300.5.1 USE OF PPD NECK RESTRAINT TO ACCOMPLISH CUSTODY/CONTROL

The proper application of the PPD neck restraint may be effective in restraining a violent or combative individual. However, due to the potential for injury, the PPD neck restraint may only be used when MN State Statute 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm.

- (a) Officers shall receive training through the Plymouth Police Department and demonstrate the proper techniques of applying the restraint. Proficiency in the use of the restraint will be demonstrated by the officer on an annual basis to a certified Defensive Tactics Instructor of the Plymouth Police Department.
- (b) Any incident in which the PPD neck restraint was applied by an officer, regardless of whether or not there were injuries, will be investigated per guidelines dictated in PPD policy 304: Officer involved shootings and deaths.
- (c) Post Deployment Officer Responsibilities;
 - 1. Maintain control/custody of subject.
 - 2. Ensure the subject is placed on his/her side or in a seated position best suited for an open airway.
 - 3. Assist in revival of subject according to training if necessary.
 - 4. Summon EMS to the scene for initial observation of subject and administer emergency medical care if appropriate or requested by the subject.
 - 5. Notify a supervisor of any PPD Neck Restraint that was deployed with compression.
 - 6. If a PPD Neck Restraint was deployed with compression, have the subject transported to a medical facility for an examination by qualified medical personnel and obtain a signed medical clearance report.
- (d) Supervisor Responsibilities:
 - 1. Respond to scene where a PPD Neck Restraint has been deployed.
 - 2. Ensure that EMS has been summoned to monitor subject for signs of physical distress or administer emergency medical care if appropriate or requested by the subject. Ensure EMS transports to a medical facility if compression was used during the deployment.
 - 3. Comply with guidelines set forth in PPD Policy 304: Officer-Involved Shootings and Deaths.

300.5.2 SHOOTING AT OR FROM MOVING VEHICLES

Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.

Use of Force

The following factors shall be considered when making the decision to use deadly force against a driver of a moving vehicle:

- (a) The officer reasonably believes deadly force is being used against the police officer or another person present.
- (b) Firing at a moving vehicle may have very little impact on stopping the vehicle.
- (c) Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. It is understood that the policy in regards to discharging a firearm at a moving vehicle, like all written policies, may not cover every situation. Any deviations shall be examined rigorously on a case-by-case basis.

Accuracy may be severely impacted when firing from a moving vehicle, and firing from a moving vehicle may increase the risk of harm to officers or other citizens. Officers should not fire from a moving vehicle except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly force. Above all, the safety of the public and the officer must be the overriding concern when the use of force is considered.

300.6 REPORTING THE USE OF FORCE

A Use of Force Report will be completed for all incidents where the use of force, by officers, is greater than that of applying handcuffs on a non-resistive person. Any use of force by a member of this department shall be documented. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

The Use of Force Report will be submitted to the officer's supervisor along with the completed Incident Report for review. The Divisional Commander will review it and forward it to the Professional Standards Commander and the Defensive Tactics Coordinator for final review. The Incident Report shall completely and accurately account for the details of the incident. Conversely, the Use of Force Report is intended to be used as a data collection method to track use of force encounters and identify information that can be used to direct future training. The Use of Force Report is not intended to sequence all aspects of the encounter or replace an officer's Incident Report which shall provide a greater level of detail regarding the incident.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Use of Force

300.6.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6.2 STATE REPORTING REQUIREMENTS

The Director of Public Safety shall provide for:

- (a) The filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).
- (b) The collection and submission of data as required by Minn. Stat. § 626.8457 and consistent with the use of force reporting requirements as determined by POST (Minn. Stat. § 626.8457).

300.7 MEDICAL CONSIDERATION

Whenever an officer finds it necessary to employ force and an injury occurs to the subject, the officer will immediately seek medical attention for the subject when it is safe to do so. The officer will then contact the shift supervisor and advise of the nature and extent of the injury. The shift supervisor (or officer in the event a shift supervisor is not available) will ensure medical attention has been provided for the subject.

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical

Use of Force

personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g. prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.8 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Use of Force

300.9 TRAINING

Officers will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3). Before carrying a less lethal use of force device, officers shall receive training and instruction in the use of the device including training as it relates to the device's use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force

300.9.1 PROHIBITED TRAINING

Warrior-style training, as defined in Minn. Stat. § 626.8434, whether provided directly by the Department or through a third party, is prohibited (Minn. Stat. § 626.8434).

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Director of Public Safety. The report should not contain the names of officers, subjects or case numbers, but should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.11 ANNUAL POLICY REVIEW

The Public Safety Director or their designee will ensure this policy is reviewed on an annual basis.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Plymouth Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Plymouth Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

301.4 HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers must be trained on the proper application procedures pursuant to the manufacturer's recommendations.

Handcuffing and Restraints

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid commingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood. Spit hoods should only be used if they clearly fit. They should not be used if it appears too small or goes on with difficulty.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 HOBBLE RESTRAINT

Hobble restraints shall only be used in situations where handcuffed subjects are combative and still pose a threat to themselves, officers, or could cause significant damage to property if not properly restrained. Only hobble restraint devices approved by the department shall be used.

In determining whether to use the hobble restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

301.6.1 GUIDELINES FOR USE OF HOBBLE RESTRAINTS

When applying hobble restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the hobble restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the hobble restraint device.
- (b) Hobble restraints should secure the bound feet of the subject to a cord cuff or belt around the waist and in front of the subject.
- (c) A hobble restraint shall not be directly tied to the subject's handcuffed hands behind their back.

Handcuffing and Restraints

- (d) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (e) Once secured, the person shall be placed in a seated or upright position, secured with a seat belt, and shall not be placed facedown on his/her stomach, as this could reduce the person's ability to breathe.
- (f) The restrained person should be continually monitored by an officer while in the hobble restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (g) The officer should look for any of the following signs:
 - 1. Significant change in behavior or level of consciousness;
 - 2. Shortness of breath or irregular breathing;
 - 3. Seizures or convulsions;
 - 4. Complaints of serious pain or injury; and/or
 - 5. Any other serious medical problem.

If any of these signs are present officers shall request paramedics for a medical evaluation. An officer shall monitor the medical condition of the subject from the time the restraint is applied, through the time the officer is relieved of custody. Officers shall also inform the person who takes custody of the subject that a restraint was used and how it was applied.

When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.7 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.

Handcuffing and Restraints

- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.8 TRAINING

Subject to available resources, the Special Operations Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Plymouth Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Director of Public Safety or the authorized designee.

Only officers who have successfully completed Department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

Officers while on-duty and carrying a firearm are required to carry an intermediate weapon. The following intermediate weapon will satisfy this requirement: liquid chemical agent (mace).

302.4 RESPONSIBILITIES

- (a) No member of this department may carry or use any control device or weapon, which has not been authorized.
- (b) No member of this department may carry or use any authorized control device or weapon prior to the satisfactory completion of the necessary training requirements except in deadly force situations.
- (c) When a confrontation escalates suddenly, an officer may use any means or device at hand to defend him or herself as long as the force is reasonable, given the existing circumstances.

302.4.1 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

Control Devices

302.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Sergeant, Incident Commander or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

302.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. OC spray is not designed to replace the police firearm. OC spray should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.6.2 TREATMENT FOR OC SPRAY EXPOSURE

It is the arresting officer's responsibility to see that proper first aid is administered whenever physical force is applied to a person in custody. After OC spray has been used, the proper recommended first aid is to expose the subject to fresh air (preferably turning their face into the wind) and, if available, rinse the affected area with clean, cool running water and soap. No other medication is to be used. Officers will be trained on the use of mace on an annual basis.

302.7 PEPPERBALL

Pepperball launchers are an intermediary weapon when deployed to areas of the subject's body that are considered unlikely to cause death or serious physical injury. Only officers trained in the use of Pepperball launchers are authorized to deploy them. Only department approved PepperBall launchers and PepperBall projectiles are authorized for use. Only officers who are trained may

Control Devices

load or refill the Pepperball launchers with the projectiles and compressed air. Only officers trained as a PepperBall instructor or armorer may alter or adjust the pressure (PSI) of the launcher and its air tank.

302.7.1 DEPLOYING PEPPERBALL

Prior to firing the launcher, an officer should inform all officers at scene and if possible, over the radio that "Pepperball launchers are on scene and ready for deployment". An officer must give verbal warning, if feasible, to the subject that Pepperball will be deployed and prior to firing the officer should verbally announce "Pepperball, Pepperball". Pepperball projectiles will be delivered to the suspect target areas based on the circumstances involved in the incident. The threat level of the suspect, the proximity of officers to the suspect, the position of the suspect related to the availability of potential target areas, the physical layout of the incident scene, and officer safety issues present are all factors to consider when selecting a target area. Intentional impacts to the head, neck, throat, groin, and spine area shall be avoided unless the use of deadly force is justified. Pepperball projectiles can be used to saturate an area around a subject in an effort to gain compliance. The Pepperball launcher system is authorized for the use during a crowd control situation. An officer should give a verbal warning, if feasible, to the subject(s). If possible, a PA or LRAD should be used. Upon the discharge of any Pepperball projectile, the on-duty supervisor shall be notified and respond to the scene. Photographs of the scene and affected person shall be taken after each deployment if feasible. The Pepperball system may be used to effectively control animals with kinetic impacts and pepper projectiles when necessary.

302.7.2 TREATMENT AND DECONTAMINATION

All subjects who are struck by a Pepperball projectile and that can be arrested or detained shall be evaluated by paramedics and, if needed, transported to the hospital for examination. Photographs of the subject's injuries will be taken whenever possible. The affected subject(s) should be moved to an area of fresh air. Shake any pepper powder off the subject's clothing. Cool, clean water can be used to wash powder off exposed skin. Pepperball projectiles will cause welts and bruising that disappear within two weeks. The effects of the pepper powder usually last from five to ten minutes.

302.7.3 STORAGE

Pepperball launchers will be cased and secured in the rear portion of the squad car unless being deployed. The Pepperball launcher will be checked before every shift and after every use to ensure it is not damaged and is serviceable. Magazines will also be checked to ensure they are fully loaded and functional.

The following steps should be followed in the order listed to maintain the life of the launcher:

- Safety on
- Turn pressure off
- Remove magazine from the magazine well
- Remove the projectile from the chamber

Control Devices

- Place projectile back in the magazine

Pepperball launchers have several delicate parts (o-rings) that can wear out easily if the system is not cared for properly. Only trained Pepperball instructors are allowed to lubricate and clean the Pepperball launchers.

302.8 POST-APPLICATION NOTICE

Whenever tear gas, OC spray or Pepperball has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.9.1 DEPLOYMENT AND USE

Prior to an officer's deployment of a less-lethal round, the officer must have received training from a certified instructor, approved by the Plymouth Police Department. In addition, each officer will be required to successfully complete an annual re-certification.

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

Control Devices

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Projectiles will be delivered in accordance with the following escalation:

- (a) Major muscle group, motor points in the leg and forearm. These areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response.
- (b) Center of mass, chest or back. These areas will be considered when an escalation of force is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
- (c) Head or neck. Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering, and the established Department safety priorities.

All subjects who are struck by a less-lethal projectile shall be transported to a medical facility for examination.

302.10 TRAINING FOR CONTROL DEVICES

The Special Operations Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Officers will receive training on the use of issued

Plymouth Police Department

Policy Manual

Control Devices

control devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and Subject Resistance Report pursuant to the Use of Force Policy.

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Device (CED).

303.2 POLICY

The CED 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.

303.3 ISSUANCE AND CARRYING CONDUCTED ENERGY DEVICES

Only members who have successfully completed department-approved training may be issued and carry the Conducted Energy Device.

Conducted Energy Devices are issued for use during a member's current assignment.

Officers shall only use the Conducted Energy Device and cartridges that have been issued by the Department. All sworn staff that work a patrol shift or are assigned as an SRO will be required to be trained in the use of and carry a CED during their assigned shift unless for reasons out of their control there is not a CED available to them to put into service.

Members carrying the Conducted Energy Device should perform a spark test on the unit prior to each rotation.

When carried while in uniform, officers shall carry the Conducted Energy Device in a support-side holster on the side opposite the duty weapon and not carried in a pants pocket in order to differentiate them from an officers duty weapon. Additionally, officer shall adhere to the following:

- (a) Only properly functioning, department authorized and charged conducted energy devices shall be carried in the field.
- (b) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (c) Always replace cartridges by their expiration date and use for training only.
- (d) Officers should not hold both a firearm and the Conducted Energy Device at the same time.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Conducted Energy Device 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the Conducted Energy Device may be deployed.

Conducted Energy Device

Although a verbal warning prior to discharge is preferred, it is not always necessary for this type of force to be considered reasonable. Model policies as well as courts have noted that giving a subject, who is assaultive toward the officer, a warning may enhance the danger to the officer and the subject by giving the subject time to avoid the deployment. See *Draper v. Reynolds* 369 F. 3d 1270 (11th Cir. 2004).

If, after a verbal warning, an individual is unwilling 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, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the Conducted Energy Device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 Conducted Energy Device in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED 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 CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED 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:

- (a) Is violent or is physically resisting.
- (b) 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 CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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:

- (a) Individuals who are known to be pregnant.

Conducted Energy Device

- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) 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 capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

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.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

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:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all Conducted Energy Device discharges. The cartridge and probes used shall be packaged, labeled, and placed into evidence. Since the probes will probably have blood on them (biohazard) the property clerk shall wear protective gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the wire spool bay to prevent the sharp ends from being exposed. Tape will be placed over the portals to secure the

Conducted Energy Device

probes into the cartridge. The entire cartridge will be placed in the appropriate evidence container and marked as biohazard.

Once in custody, officers shall advise the supervisor to relate the approximate time that the CED device was used to control a person. If the probes penetrate the skin, the puncture sites shall be brought to the attention of the supervisor.

303.5.6 DANGEROUS ANIMALS

The Conducted Energy Device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Conducted Energy Devices while off-duty.

Officers shall ensure that Conducted Energy Devices 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.

303.6 DOCUMENTATION

Officers shall document all Conducted Energy Device discharges in the related incident report and the Use of Force Report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

303.6.1 REPORTS

The officer should include the following in the incident report:

- (a) Identification of all personnel firing Conducted Energy Devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical, verbal and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

303.7 MEDICAL TREATMENT

An officer at the scene will remove probes. Used Conducted Energy Device 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 Conducted Energy Device probes or who have been subjected to the electric discharge of the device 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:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.

Conducted Energy Device

- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The Conducted Energy Device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The probes cannot be safely removed by the officer.
- (f) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) 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 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 Conducted Energy Device.

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Conducted Energy Device may be used. A supervisor should respond to all incidents where the Conducted Energy Device was activated.

- (a) Ensure that EMS has been summoned to monitor for signs of physical distress and administer emergency medical care, if appropriate or requested by the subject.
- (b) Investigate each discharge, including accidental discharges of the Conducted Energy Device. Ensure that photos are taken of the probe penetration sites, stun mode sites, and any secondary injuries caused by falling to the ground, etc., and attached to the case file.
- (c) The device's onboard memory should be downloaded through the data port by a CED Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.
- (d) Review the Response to Resistance Report and forward to the Divisional Commander.
- (e) Ensure the CED used in the incident is placed into an evidence locker for temporary storage. The unit will then be turned over to the Use of Force Coordinator for download of data as soon as possible before returning it into service.

303.9 TRAINING

Personnel who are authorized to carry the Conducted Energy Device shall be permitted to do so only after successfully completing the initial Department-approved training. Any personnel who have not carried the Conducted Energy Device as a part of their assignment for a period of twelve months or more shall be recertified by the department-approved Conducted Energy Device instructor prior to again carrying or using the device.

Plymouth Police Department

Policy Manual

Conducted Energy Device

Officers who have been issued the Conducted Energy Device 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 skill may be required at any time if deemed appropriate by the Special Operations Sergeant. All training and proficiency for Conducted Energy Devices will be documented in the officer's training file.

The Special Operations Sergeant is responsible for ensuring that all members who carry Conducted Energy Devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of Conducted Energy Devices during training could result in injury to personnel and should not be mandatory for certification.

The Special Operations Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support-hand draws or cross-draws to reduce the possibility of unintentionally drawing and discharging a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, face, neck, chest and groin.
- (e) Handcuffing a subject during the application of the Conducted Energy Device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the Conducted Energy Device.

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other critical incidents not covered by this policy, the Director of Public Safety may decide that the investigation will follow the process provided in this policy. A "critical incident" is a life-threatening situation or set of circumstances that involves actual or possible harm to the public and/or responding police officers.

304.2 POLICY

The policy of the Plymouth Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.2.1 DEFINITIONS

The definition and authorized use of deadly force by Plymouth police officers is as stipulated in Minnesota State Statute 609.066, Subdivision 1 and Subdivision 2. Notice of intention to arrest the suspect should first be given when practical. Shouting "police, stop!" or "you're under arrest" or similar language will satisfy this notice requirement.

609.066 AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS

Subdivision 1. **Deadly force defined.**

For the purposes of this section, "deadly force" means 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, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person. "Peace officer" has the meaning given in section [626.84, subdivision 1](#).

Subd. 2. **Use of deadly force.**

Notwithstanding the provisions of section [609.06](#) or [609.065](#), the use of deadly force by a peace officer in the line of duty is justified only when necessary:

- (1) to protect the peace officer or another from death or great bodily harm, provided that the threat;
 - a. can be articulated with specificity;
 - b. is reasonably likely to occur absent action by the law enforcement officer; and
 - c. must be addressed through the use of deadly force without unreasonable delay; or

Officer-Involved Shootings and Deaths

(2) 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 unless immediately apprehended.

A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time 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 noted above.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Plymouth Police Department would control the investigation if the suspect's crime occurred in Plymouth.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Director of Public Safety and with concurrence from the other agency.

304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Director of Public Safety or the authorized designee for approval.

Officer-Involved Shootings and Deaths

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.4.4 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved PPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Control of incident/scene.
- (b) Establish a logging system for the controlled area. A uniformed officer will log in and out anyone in the scene area. Only necessary personnel will be allowed into scene area.
 - 1. Require anyone who enters the scene to write a supplemental report with reason for entering the scene and actions within that scene.
- (c) Notification of the Public Safety Director, Watch Commander, Professional Standards Commander and investigative personnel. The Minnesota Bureau of Criminal Apprehension will be the primary investigatory entity with the Hennepin County Sheriff's Crime Lab acting as secondary in circumstances where the primary is unavailable or the need of the Hennepin County Crime Lab appears to be a more practical choice based on the circumstances.

Plymouth Police Department

Policy Manual

Officer-Involved Shootings and Deaths

- (d) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief public safety statement from one involved officer.
- (e) If necessary, the supervisor may administratively order any PPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects. (See section 304.5.6g of this policy)
 - (a) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (f) Provide all available information to the Patrol Sergeant and Hennepin County Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (g) Take command of and secure the incident scene with additional PPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (h) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved PPD officer should be given an administrative order not to discuss the incident with other involved officers or PPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.
- (i) If officer(s) involved require medical attention, assign a supervisor to accompany the officer(s) during the transport and to remain with them until returning to Plymouth Police Department. If a supervisor is unavailable, assign an uninvolved officer for the detail.
- (j) If suspect(s) are transported to a hospital, the supervisor will assign an officer(s) to accompany the suspect(s). The officer(s) will not interview the suspect(s). Any voluntary statements will be recorded or handwritten by the officer(s). Suspect clothing or any other property of the suspect will be property inventoried.
- (k) Assist the assigned investigators.

304.5.3 SUPERVISOR / OFFICER ASSIGNED TO INVOLVED PERSONNEL

- (a) In a deadly force incident, do not question the officer(s) about the incident beyond the Public Safety Statement. Do not discuss the incident with anyone other than the on-site supervisor and investigating team.
- (b) If the incident involves multiple officers, be sure to separate the involved officers. Advise officers they are not suspects and it is important to get the independent facts.
- (c) If the officer involved is needed to return to the scene, they will be allowed to change into civilian clothing. Any injuries or damage to clothing or equipment needs to be documented.

Plymouth Police Department

Policy Manual

Officer-Involved Shootings and Deaths

- (d) Involved officer(s) will be allowed to phone family members to advise them of the situation.
- (e) A temporary weapon(s) should be issued to officers involved in a deadly force incident prior to inventory of the officer's involved duty weapon(s). Arrangements will be made for officers to qualify with this temporarily assigned weapon as soon as they return to active duty. Weapon(s) will be inventoried and held at the Plymouth Police Department or inventoried by the investigating agency. Depending on the circumstances of the event, the officer's duty belt and clothing may also be inventoried as stated above.

304.5.4 PATROL SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Director of Public Safety or a Division Commander.

All outside inquiries about the incident shall be directed to the Public Safety Director or their designee.

304.5.5 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Director of Public Safety
- Department Command Staff
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's union representative (if requested)
- Public Information Officer

304.5.6 INVOLVED OFFICERS

Whenever an officer is involved in a critical incident, the officer will immediately:

- (a) Assure own safety.
- (b) Request assistance
 1. Medical
 2. Supervisory
 3. Broadcast suspect(s) information to other agencies
- (c) Determine the physical condition of any individual who has been injured, and render first aid when appropriate.
- (d) Protect the scene. Relinquish scene control to the first assisting officer.

Plymouth Police Department

Policy Manual

Officer-Involved Shootings and Deaths

- (e) The officer will remain on the scene unless injured or instructed otherwise by a supervisor.
- (f) Protect/secure own weapon(s) for later examination.
- (g) Provide a brief summary of the incident to the first supervisor on the scene. This summary is to be known as a Public Safety Statement. The supervisor may order an officer to immediately provide the following information to secure the scene, identify injured parties and pursue suspects. This statement is Garrity Protected.
 - 1. What was your location when you fired?
 - 2. In what direction did you fire rounds?
 - 3. How many rounds do you believe you fired?
 - 4. Is there anyone who is injured, what is their location?
 - 5. What is the location of other involve parties?
 - 6. Are there any outstanding suspects?
 - 7. Is there any evidence that needs to be protected?
 - 8. Are there any other personnel involved?
 - (a) This initial on-scene supervisor should not attempt to order any involved officer to provide any information other than the public safety information.
 - (b) Do not discuss the case with anyone except:
 - 1. Supervisory and investigative personnel involved in the investigation
 - 2. City Attorney or County Attorney
 - 3. The officer's immediate family, personal attorney, personal representative, clergy or psychologist
 - (c) These discussions will be considered privileged.
- (h) Any request for legal or union representation will be accommodated.
- (i) Involved PPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (j) Requests from involved non-PPD officers should be referred to their employing agency.
- (k) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (l) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (m) A licensed psychotherapist shall be provided by the Department to each involved PPD officer. A licensed psychotherapist may also be provided to any other affected PPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.

Officer-Involved Shootings and Deaths

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (n) A separate fitness-for-duty exam may also be required.
- (o) Communications with peer counselors are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9731, Subd. 4.
- (p) Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

304.6 CRIMINAL INVESTIGATION

The Prosecuting Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) PPD supervisors and Professional Standards Division personnel should not participate directly in any voluntary interview of PPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY PPD OFFICERS

Officers not directly involved in a fatal use of force incident, will prepare written reports which completely and accurately set forth all circumstances surrounding the incident.

Plymouth Police Department

Policy Manual

Officer-Involved Shootings and Deaths

Officers directly involved in a fatal use of force incident will not prepare a written report. The statement they provide to the investigating agency will stand as their official record of the event.

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved PPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

Nothing in this section shall be construed to deprive an involved PPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the

Officer-Involved Shootings and Deaths

investigation of related crimes. Department investigators may be assigned to assist investigators from the investigating agency and may be assigned to separately handle the investigation of any related crimes not being investigated by the investigating agency.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department may conduct an internal administrative investigation of involved PPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Division and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (Personnel Complaints Policy; Minn. Stat. § 626.89).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines in the Drug- and Alcohol-Free Workplace Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator may conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. The interview must be taken at the PPD or at a place agreed to by the interviewer and the involved officer.
 - 3. The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the

Officer-Involved Shootings and Deaths

interview must be held during the involved officer's regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate.

4. If requested, the officer shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The officer may also record the interview. A complete copy or transcript of the interview must be provided to the involved officer upon written request without charge or undue delay.
6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
7. The Professional Standards Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.9 DEBRIEFING

Following an officer-involved shooting or death, the Plymouth Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing. Supervisors have the

Plymouth Police Department

Policy Manual

Officer-Involved Shootings and Deaths

responsibility to check with departmental personnel involved in a critical incident after the event, and during the proceeding weeks, to see how they are doing and to offer any assistance they may require.

304.9.1 CRITICAL INCIDENT/STRESS DEFUSING AND DEBRIEFING

- (a) **Critical Incident Stress Management (CISM):** A team of trained volunteers that respond to assist with peer support, crisis intervention and critical incident stress management. The CISM Team conducts defusings, debriefings, demobilizations and on-site stress management.
- (b) **Critical Incident Defusing:** An informal process where employees, supervisors, and possibly a member of the Critical Incident Stress Management Team (CISM) can gather to talk about the incident and address additional needs employees may have. A critical incident defusing can be arraigned by any supervisor.
- (c) **Critical Incident Debriefing:** A critical incident/stress debriefing should occur as soon as practicable. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event (Minn. Stat. § 181.973).

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

The debriefing is voluntary but employees are strongly encouraged to attend. The Public Safety Director, Deputy Chief or Captain may order a Critical Incident Debriefing. Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Division personnel.

304.9.2 PSYCHOLOGICAL SERVICES

In all cases where death has resulted from the use of deadly force or injury as a result of a firearms discharged by a Plymouth police officer, the Plymouth Police Department will coordinate a debriefing with a psychologist as soon as practical. In other critical incident cases, the Public Safety Director may direct a debriefing with a psychologist. The purpose of this debriefing will be to allow the officer to express his/her feelings, and to deal with the moral, ethical and/or psychological after effects of the incident. The debriefing will not be related to any departmental investigation of the incident, and nothing discussed in the debriefing will be reported to the department without voluntary permission of the involved officer. The debriefing session will be privileged communication protected by the physician/patient relationship.

304.9.3 TACTICAL DEBRIEFING

A tactical debriefing may take place to identify any training or areas of policy that need improvement. The Director of Public Safety should identify the appropriate participants. This

Officer-Involved Shootings and Deaths

debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.10 USE OF CRITICAL INCIDENT REVIEW BOARD

The purpose of the Critical Incident Review Board is to act as an advisory body to the Public Safety Director. They are charged with the responsibility of examining any incident classified as “critical” by the Public Safety Director, Deputy Chief, or a Captain. The Board may be called to service by the Public Safety Director or designee as soon as possible after the conclusion of an investigation. This Board will serve at the direction of the Public Safety Director.

The Board, comprised of Department sergeants not involved in the incident, will evaluate, in a fact finding fashion, each aspect of the critical incident. The authority for such investigation is from the Public Safety Director. The Board has authority to interview all participants. Such evaluation will include:

- (a) A review of all circumstances leading up to the incident.
- (b) A review of all investigative reports and witness statements regarding the incident.
- (c) The Board will make a report of their findings to the Public Safety Director.

Based on this report, the Public Safety Director or designee will decide if the officer acted within the guidelines of the Policy and Operating Procedures Manual and may order an administrative investigation based on the findings.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation (ie: BCA, Hennepin County Sheriff's Office). Any media inquiries will be handled by the Public Information Officer.

No involved PPD officer shall make any comment to the media unless he/she is authorized by the Director of Public Safety.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.12 REPORTING

If an officer discharges a firearm in the course of duty, the Director of Public Safety shall notify the Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat. § 626.553).