

# POLICY AND PROCEDURES MANUAL

*Fergus Falls Police Department*

<b>Policy Title</b>	<b>Policy Statement on Use of Force (Non Deadly and Deadly)</b>
<b>Policy Number</b>	<b>502 (Formerly 70.04)</b>
<b>References</b>	<b>Fourth Amendment to the United States Constitution United States Code, Title 18, Section 242, Title 42, Section 1983</b>  <b><u>Case Law Created By:</u></b> <b>Beck v. Ohio, 379 U.S. 89 (1964)</b> <b>Bell v. Wolfish, 441 U.S. 520 (1979)</b> <b>Illinois v. Lafayette, 462 U.S. 640 (1983)</b> <b>Tennessee v. Garner, 471 U.S. 1, 8 (1985)</b> <b>Dean v. City of Worcester 924 F.2d 364 (1<sup>st</sup> cir. 1991)</b> <b>Tom v. Volda 963 F.2d 952 (7<sup>th</sup> cir. 1992)</b> <b>Hopkins v. Andaya 958 F.3d 881 (9<sup>th</sup> cir. 1992)</b> <b>Forrester v. City of San Diego 25 F.3d 804 (9<sup>th</sup> cir. 1994)</b> <b>Prymer v. Odgen 29 F.3d 1208 (7<sup>th</sup> cir. 1994)</b> <b>Frazell v. Flanigan 102 F.3d 877 (7<sup>th</sup> cir. 1996)</b> <b>Mayard v. Hopwood 105 F. 3d 1226 (8<sup>th</sup> cir. 1997)</b> <b>Hill v. Winona, 454 NW 2d 659, (Minn App 1990)</b>  <b>Minnesota State Statutes 13.82 (Subd. 2), 609.06, 609.065, 626.553, 609.066, 626.8452, 626.8475, 629.32 and 629.33</b>  <b>MN Rule 6700.0900</b>
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## **PURPOSE**

The use of force is an integral part of a police officer's job, particularly when arresting criminal suspects. This use of force against another person constitutes a "seizure" and, as such, this police action is governed by the United States Constitution.

The use of force at a level including deadly force is legal, as long as it is justified and reasonable. This policy seeks to provide guidelines whereby there is appropriate balance between the rights of citizens to be free from unreasonable seizures through the use of force and the interests of society in maintaining effective law enforcement while protecting the officers who must perform that duty.

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## **POLICY**

The Fergus Falls Police Department recognizes that its officers have the right and responsibility to use legitimate and reasonable force in order to protect them and others in the course of their assigned duties when in accordance with the law. At the same time, the Fergus Falls Police Department recognizes and respects the value of human life, as well as the freedoms and dignity of all people. Fergus Falls police officers will use only the force necessary to accomplish lawful objectives and are expected to exercise force options in a professional manner. Officers will seek to move to a lesser force option when appropriate and to treat those persons subjected to force with humane care.

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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.

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.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

## **DEFINITIONS**

### **Force**

Any official and intentional interference by an officer with the freedom or activity of another person.

### **Deadly Force**

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

Police vehicles can also be viewed as instruments of force. The use of methods or techniques, such as partial or complete roadblocks or rolling roadblocks, can have a high probability of causing death or serious physical injury and may also constitute deadly force.

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## **Non-Deadly Force**

Force which the actor uses with the purpose of not causing - or which the actor should reasonably know will not create a 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.

## **Other Than Deadly Force**

Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

## **Choke Hold**

A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

## **Authorized Device**

A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

- 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.

## **Continuum of Force**

A model designed to provide information and guidance to officers regarding available force options based on specific threats or other force variables and special circumstances relevant to the threat. Escalation and de-escalation are significant elements to the officer's use of force along the continuum.

## **Resistance**

Any action or inaction by a person which does not comply with a lawful request or order by an officer.

## **Force Documentation**

A written record of force used by an officer on a subject as part of a case report.

## **Substantial Bodily Harm**

Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

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## **Great Bodily Harm**

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

## **Administrative Leave**

Relief from duty without loss of pay or benefits. (This leave shall not be interpreted, implied, or indicate that the officer(s) acted improperly.)

## **I. Use of Force Continuum**

When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and will not employ a more forceful measure unless it is determined that a lower level of force would not be adequate, or such level of force has been attempted and found to be inadequate. The continuum of options, in order of increasing severity, is set forth as follows:

- A. Soft empty hand, i.e., come-along, wrist twists, and pressure point control tactics involving a low potential for injury.
- B. Aerosol subject restraint sprays (Oleoresin Capsicum)
- C. Taser Electro-Muscular Disruption Device
- D. Hard empty hand, i.e., punches, kicks, and knee strikes
- E. Impact weapons – expandable batons, side handle batons, and straight batons
- F. Deadly Force: Any force by whatever means that can result in death or great bodily harm, i.e., firearms and police vehicles.

## **II. Authorized Use of Force: Non-Deadly**

- A. Fergus Falls Police Department officers may use force in the performance of their duties in the following circumstances:
  - 1. In effecting a lawful arrest; or
  - 2. In the execution of legal process; or
  - 3. In enforcing an order of the court; or
  - 4. In executing any other duty imposed upon the public officer by law.
- B. Before using force, the officer should consider these questions:
  - 1. What actions on the part of the suspect justify the use of force?
  - 2. What crime is being or has been committed?
  - 3. Does the situation require the immediate use of force?

## **C. General Provisions**

- 1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

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

## **b) Duty to Intercede**

Regardless of tenure or rank, an officer must intercede when:

- a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- b. physically or verbally able to do so

## **c) Duty to Report**

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

## **d) De-escalation:**

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

## **e) Use of Other Than Deadly Force**

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:
  - a. effecting a lawful arrest; or
  - b. the execution of legal process; or
  - c. enforcing an order of the court; or
  - d. executing any other duty imposed upon the public officer by law; or

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e. defense of self or another.

## **f) Use of Certain Types of Force**

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

## **III. Authorized Use of Force: Deadly**

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;
  - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
    - i. can be articulated with specificity;
    - ii. is reasonably likely to occur absent action by the law enforcement officer; and
    - iii. must be addressed through the use of deadly force without unreasonable delay; or
  - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.
2. An 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 in paragraph (1a), items (i) to (iii).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

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## **IV. Motor Vehicles as Instruments of Force**

Officers must be aware and acknowledge that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions have been ruled to be the use of force.

- A.** "Boxing in" maneuvers and so-called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques may also be considered a use of force.
- B.** The Pursuit Intervention Technique (PIT) is authorized to be used in pursuit situations by an officer who has been trained in the technique. The PIT Technique is a proven and effective tool for ending pursuits. There is, however, a very real possibility that officers utilizing it could cause injury or death to that officer, citizens, violators, or the occupants of violators' vehicles.
- C.** The use of any such methods, techniques, or actions must be justifiable and in accordance with the policies and procedures contained in this order.
- D.** The use of the above methods, techniques, or actions, could result in property damage, injury, or death and are, therefore, classified as use of force. Officers must weigh the value of suspect apprehension versus pursuit termination whenever employing any of the above tactics. (See Fergus Falls Police Department written *Policy: Emergency Vehicle Operation, Operation of Vehicle Without Lights and Vehicle Pursuits.*)

## **V. Authorized Equipment and Training**

The Fergus Falls Police Department recognizes that officers require the appropriate equipment necessary to accomplish their assigned lawful duties.

- A.** The following are authorized for use when conditions are met regarding training, qualification, and approval for use by the Chief of Public Safety or his/her designee:
  - 1. Primary Firearm
  - 2. Secondary or Off Duty Firearm
  - 3. Shotgun
  - 4. Carbine/Rifle
  - 5. Submachine Gun
  - 6. Expandable Baton
  - 7. Straight Baton
  - 8. Individual Chemical Agent
  - 9. Handcuffs
  - 10. Leg Cuffs
  - 11. Flex Cuffs
  - 12. Flexible Restraint Strap
  - 13. Group-Type Chemical Agents
  - 14. Taser Electro-Muscular Disruption Device
  - 15. Other objects/equipment approved for use by the Chief of Public Safety or by written directives.

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- B.** All new officers, at the time of hire, will receive a copy of the "Use of Force" policy and be trained in it. Newly hired officers will be trained and must demonstrate proficiency in the use of the aforementioned equipment prior to carrying it on or off duty.

Only officers trained in the Pursuit Intervention Technique (PIT) will be authorized to attempt the technique.

All officers will receive Use of Force refresher training in accordance with POST mandates, and must be able to demonstrate proficiency in the use of the previously listed equipment in order to continue carrying such equipment on or off duty.

All training will be conducted utilizing learning objectives for use of force training as established by the Minnesota Board of Peace Officer Standards and Training. Officers not meeting proficiency standards will receive remedial training until such standards are achieved. (See Fergus Falls Police Department written *Policy: Use of Firearms.*)

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
  - a. Provide techniques for the use of and reinforce the importance of de-escalation
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.
6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.
7. The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.



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**C.** Remedial training will, at a minimum, include:

1. Identification by the instructor of the deficiency.
2. The instructor conducts re-training in the area of the deficiency.
3. The officer demonstrates to the instructor that the deficiency has been corrected.

Each officer, prior to carrying any authorized equipment, and at least annually thereafter, shall have the equipment inspected by a certified weapons instructor. Any equipment found to be unsafe will be removed from service until it passes re-inspection.

The Fergus Falls Police Department recognizes that exigent circumstances may require officers to use whatever means or objects available to prevent apparent bodily harm or death to them or others.

## **V. Use of Force: Required Action**

Whenever in the course of their duties, an officer uses physical force to overcome resistance, or the force used results in injury or complaint of injury, then the officer shall:

- A.** When possible, stay with the injured party, administer appropriate first aid, and request additional medical assistance via the quickest means available (i.e. Police radio, telephone, bystander). This includes special consideration to the problem as outlined below.

### **Positional Asphyxia**

Officers who have engaged in a violent struggle shall diligently monitor the arrested person to guard against sudden death caused by positional asphyxia.

The following guidelines will aid in preventing the above phenomena:

1. As soon as the person is handcuffed, get the person off of their stomach. Turn the person on their side or place them in a seated position.
2. If a person continues to struggle, do not sit on the subject's back. Instead, hold or tie down the subject's legs.
3. Never tie the handcuffs to a leg or ankle restraint.
4. Do not lay the person on their stomach during transportation. Place them in a seated position.
5. It is the arresting officer's responsibility to see that proper first aid is administered whenever Oleoresin Capsicum has been used in effecting an arrest. The proper first aid technique is to expose the subject to well circulated air. Officer shall be aware of the contributing effect of Oleoresin Capsicum to the problems associated with positional asphyxia.

## **VI. Taser Electro-Muscular Disruption Device**

- A.** Arresting officers shall advise Detention Facility Staff that a Taser has been utilized when booking arrestees who have been immobilized by the device.

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- B.** Tasers owned by the Fergus Falls Police Department are equipped with a computer software package, which records data regarding the deployment of the device. As soon as practicable after its use, data will be downloaded from the device by the Use of Force Instructor. That instructor will maintain this data in a file.
- C.** Taser Cartridges, which have been expended in controlling a subject and which struck that subject will, when removed from that subject, be considered as evidence and will be placed in a biohazard plastic bag and placed into the Evidence Storage Room. The eventual disposal of this evidence shall follow the guidelines established under Fergus Falls Police Department Policy Titled, *Infectious Disease Control*.

## **VII. Hard Empty Hand**

Arresting officers should evaluate the need for the administration of proper first aid or medical treatment based on the injuries sustained by a suspect who has been subdued by hard empty hand techniques.

The arresting officer shall advise Detention Facility staff of the known or suspected injuries occurring to a suspect to whom this force was applied.

## **VIII. Impact Weapons**

Arresting officers should evaluate the need for the administration of proper first aid of medical treatment based on the injuries sustained by a suspect to whom impact weapon techniques have been applied. The arresting officer shall advise Detention Facility staff of the known or suspected injuries sustained by the arrestee to whom this force was applied.

## **IX. Notification and Reporting: Supervisor's Required Action (Non-Deadly)**

During the course of their duties, whenever an officer uses force that requires reporting, the duty supervisor shall:

- A.** Assure that prior to the end of the work shift, each officer using force must complete a total documentation of the force incident. In the event that the officers involved are unable to complete this report, supervisors will insure that the documentation is completed as soon as possible.
- B.** Review all completed force documentation for compliance to department policy and procedure. All noncompliance will be reported to the Chief of Public Safety or designee for appropriate follow up.
- C.** Notify the Captain or Chief of Public Safety in accordance with the departmental notification policy.
- D.** Remove any officer from line duty assignment pending administrative review should great bodily harm or death occur as a result of the force used by that officer.

## **X. Use of Deadly Force: Required Action**

In the course of their duties, whenever an officer uses deadly force, they shall, when practicable:

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- A. Remain at and secure the scene.
- B. Administer first aid and/or summon appropriate medical assistance for any injured party.
- C. Verbally notify his or her supervisor or senior officer if no supervisor is available. (This person will then notify the Captain or Chief of Public Safety in accordance with the departmental notification policy.)
- D. Provide a brief verbal narrative of the circumstances relating to the use of deadly force to the Chief of Public Safety or Police Captain prior to the completion of the work shift in which the deadly force was used. The recorded formal statement of an officer involved in deadly force incident will be the only narrative of the event that is required.
- E. Complete supplemental reports on the use of deadly force and any other related incidents as later required and as dictated by the scope of the investigation. (Any assisting officers directly or indirectly involved shall complete a supplemental report as circumstance may require.)
- F. Cooperate fully with the incident investigation, which may be criminal and/or administrative in nature.

The officer(s) who used deadly force shall:

1. Relinquish any equipment requested as evidence by the investigating agency.
2. Remain available for official interviews.

## **XI. Notification and Reporting: Supervisor's Required Action (Deadly Force)**

During the course of their duties, whenever an officer uses force that requires reporting, the duty supervisor shall:

- A. Ensure that the scene is secured.
- B. Assure that staffing is adequate to handle patrol functions.
- C. Conduct a preliminary field investigation.
- D. Secure firearms upon a shooting death or injury by an officer.
- E. Notify the Captain or Chief of Public Safety in accordance with the departmental notification policy.
- F. Notify the Minnesota Bureau of Criminal Apprehension and request investigative assistance.
- G. Cooperate fully with the investigation of the incident.
- H. Render supervisory assistance as needed to any officers or investigative units.
- I. Ensure that any officer in apparent need is assisted through the early stages of critical incident stress trauma.

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- J.** Assure that prior to the end of the shift, officers who have used deadly force deliver a verbal narrative of the circumstances leading to and resulting in the use of deadly force to the Chief of Public safety or Police Captain.
- K.** Review all reports and documentation for completeness.
- L.** Remove from line duty assignment, with pay, any officer who discharged a firearm for the purposes of deadly force or any officer who used deadly force which resulted in substantial bodily harm, great bodily harm, or death.
- M.** Have the option to remove from line duty assignment, with pay, any officer who used deadly force, even if no injury occurred as a result of the force used.

## **XII. Deadly Force Review Board**

- A.** In incidents where deadly force is used, the Chief of Public Safety will convene a deadly force review board. The purpose of the board will be to review the known facts pertaining to the incident to determine adherence to departmental directives.
- B.** The board shall be composed of three departmental sworn officers with at least one member being a sergeant. If no sergeant is available, the third position will be appointed by the Chief of Public Safety.
- C.** The board will be randomly selected from a pool of available officers.
- D.** Members of the board will meet as soon as possible, after all necessary investigations have been completed, to:
  - 1. Review the information and reports provided by the Chief of Public Safety regarding the incident.
  - 2. Review relevant departmental directives.
  - 3. Make a determination as to whether departmental directives were followed.
  - 4. Identify and recommend policy change that is out of date or unrealistic to the circumstances of the incident under review.
- E.** The board will forward their findings to the Chief of Public Safety.

## **XIII. Administrative-Required Action (Deadly Force)**

Upon notification of an incident involving the discharge of a firearm resulting in substantial bodily harm, great bodily harm, or death, or in situations in which other types of deadly force were used by an officer which resulted in great bodily harm or death, the Captain or Chief of Public Safety will:

- A.** Advise as to whether they will be responding to the scene.

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- B.** Be responsible for offering to each officer involved an attempt to contact any individual the officer chooses to be notified.
- C.** Assure that the officer(s) who used deadly force has been placed on administrative leave.
- D.** Assure that any equipment taken from the officer(s) is replaced as soon as possible with comparable equipment.
- E.** Handle or designate the release of all appropriate information on behalf of the Fergus Falls Police Department. Information will be disclosed in accordance with the Minnesota Data Practices Act, MN § 13.82.
- F.** Activate the "critical incident debriefing" system if a debriefing is warranted.
- G.** Offer a psychological consultation with a licensed psychologist or psychiatrist of the involved officer's choice to the officer who used deadly force at any point in the officer's career.
- H.** Select and convene a Deadly Force Review Board as soon as practical and provide the board with all pertinent information.
- I.** Review the findings of the Deadly Force Review Board and determine if any administrative action or policy rewrite is appropriate.
- J.** Initiate an Internal Affairs Investigation if necessary.
- K.** Set a return to duty date for the officer(s) who used deadly force after the administrator considers all of the following:
  - 1. Findings of the Deadly Force Review Board.
  - 2. Information pertinent to the criminal investigation.
  - 3. Information from an Internal Affairs Investigation.
  - 4. Information from the psychologist or psychiatrist to whom the officer may have consulted if provided.
  - 5. Input from the officer(s) who used deadly force.
  - 6. Any other pertinent information.
- L.** Complete and forward the BCA "Firearms Discharge Report" to the Commissioner of Public Safety within 30 days in accordance with MN § 626.553(2) and any other report as required by incident circumstances.

## **XIV. Counseling and Post-Trauma Assessment**

In deadly force situations where a firearm was discharged, or in deadly force situations where great bodily harm or death resulted, the Fergus Falls Police Department will offer, at no cost to the individual, counseling sessions with a licensed professional. This offer will be extended to the

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officer(s) who used deadly force and immediate family members (which includes spouses and children) through the Employee Assistance Program utilized by the City of Fergus Falls.

## **XV. Civil Rights Investigation**

The Fergus Falls Police Department will respect the process and the duty of the federal government to conduct an independent investigation to identify any civil rights violations arising from a use of force incident. However, the department will not order or request any of its members who may be suspects to confer with federal investigators without the advice of counsel. If the Fergus Falls Police Department's investigation finds that the use of force is within the scope of this policy and the training of the officer, the department will provide legal representation for all officers involved.