



# Edina Police Operations Manual

Policy Number  
520.00

Subject:

**DEADLY FORCE**

Effective Date  
06/01/1993

Revised Date  
3/10/2021

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## PURPOSE:

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

MN Statute [626.8452](#) Deadly Force and Firearms Use; Policies and Instructions Required

MN Statute [609.065](#) Justifiable Taking Of Life; and

MN Statute [609.066](#) Authorized Use of Force by Peace Officers.

## 520.01

### GENERAL STATEMENT OF POLICY

- Subd. 1** 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.
- Subd. 2** 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.
- Subd. 3** 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.
- Subd. 4** 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.

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The intentional taking of the life of another is not authorized by section [609.06](#), except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm or death, or preventing the commission of a felony in the actor's place of abode.

Ref: <https://www.revisor.mn.gov/statutes/cite/609.065> (02-13-2019)

**609.066 AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS****Subd. 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.**

(1) An officer is authorized to use deadly force 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. Use of deadly force is justified when one or both of the following apply; To protect the peace officer or another from death or great bodily harm, provided that the threat:

- (a) can be articulated with specificity by the law enforcement officer;
- (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

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(2) To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (1), items (a) to (c).

(3) 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 (1), items (a) to (c).

(4) Where feasible, an officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

(5) In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

**Subd. 3 No Defense.**

This section and sections [609.06](#), [609.065](#) and [629.33](#) may not be used as a defense in a civil action brought by an innocent third party.

Ref: <https://www.revisor.mn.gov/statutes/cite/609.066> (02-13-2019)

**520.03 RESTRICTIONS**

Firearms are not to be discharged under the following conditions:

- As warnings;
- At moving vehicles from a moving squad car during hot pursuit; or
- At moving vehicles, except as permitted under section [609.066](#).

**520.04 NOTIFICATION**

Department members using deadly force, or otherwise discharging a firearm outside of training or animal control, will immediately report the incident to the on-duty supervisor. The supervisor will then implement the provisions of the directive for Investigation of Discharge of Firearms (Policy 530.00).