



Edina Police Operations Manual

Policy Number
520.00

Subject:

DEADLY FORCE

Effective Date
06/01/1993

Revised Date
06/10/2020

Page 1 of 2

PURPOSE:

The department recognizes that officers may find themselves in a situation where it becomes necessary to use deadly force. The purpose of this directive is to set forth standards for officers in the use of deadly force.

520.01

GENERAL STATEMENT OF POLICY

This policy is for internal use only and should not be construed as the creation of a standard of care in an evidentiary sense with respect to third party claims. Violation of this policy, if proven, can only form the basis for a complaint by this department, and then only in a non-judicial disciplinary administrative setting.

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time the officer decides to use deadly force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether deadly force was justified.

520.02

MINNESOTA STATUTES

609.065 JUSTIFIABLE TAKING OF LIFE.

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](#).

Subject:**DEADLY FORCE****Page 2 of 2****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 apparent death or great bodily harm;
- (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 involving the use or threatened use of deadly force; or
- (3) 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 if the person's apprehension is delayed.

If feasible, an officer should give a verbal warning before using or attempting to use deadly force.

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 AUTHORIZATION

Officers may use deadly force only as defined by Minnesota State Statute [609.066](#).

520.04 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](#).

520.05 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).