

MINNEOTA POLICE DEPARTMENT

NUMBER: M101-16 PAGES: 9

EFFECTIVE DATE: September 29, 2020 *(This order supersedes all previous releases.)*

SUBJECT: USE OF FORCE / TRAINING

1.0 **PURPOSE:**

The purpose of this General Order is to establish policy and procedures for all Minneota Police Officers regarding the use of deadly and non-deadly force and discharging firearms. in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE;
POLICIES AND INSTRUCTION REQUIRED;

MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;

MN STAT 609.06 AUTHORIZED USE OF FORCE;

MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and

MN STAT 609.066 AUTHORIZED USE OF DEADLY FORCE BY PEACE
OFFICERS.

2.0 **DEFINITIONS:**

2.1 Approved Weapon: Approved weapon means a device or instrument which an officer has received permission from the department to carry and use in the discharge of that officer's duties, and for which the officer has:

2.1.1 Obtained training in the technical, mechanical and physical aspects of the device.

2.1.2 Developed a knowledge and understanding of Minnesota State Statutes and Minneota Police Department rules and regulations regarding the use of such weapons.

2.1.3 Officers **SHALL** carry and use only approved weapons, as that term is defined in the definitions, unless circumstances exist which pose an imminent threat to the safety of the officer or the public requiring the immediate use of a non-approved weapon to counter such a threat. This provision shall not be construed as authorizing officers to use a non-approved weapon where, under the circumstances, it would be feasible to procure approval for use of the particular weapon prior to its use.

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- 2.2** Chemical Agents: Chemical agents means chemical aerosol, tear gas, CS, CN, OC, pepper fog, pepper mace, and chemical irritants, or any combination of these agents.
- 2.3** Neck Restraint: There are two (2) categories of neck restraint recognized by this department. **NECK RESTRAINTS ARE NO LONGER PERMITTED TO BE USED BY OFFICERS OF THE MINNEOTA POLICE DEPARTMENT UNLESS AUTHORIZED BY THE USE OF DEADLY FORCE.**
- 2.3.1** Respiratory Neck Restraint: This neck restraint applies pressure to the front of the trachea.
- 2.3.2** Vascular Neck Restraint: This neck restraint applies pressure to the sides of the neck, specifically the jugular veins.
- 2.4** Impact Weapons: Impact weapons means all objects other than the officer's physical body, which are used, or designed to be used, to apply force to a person by striking that person with the weapon. Includes less lethal projectiles. **IMPACT WEAPONS ARE NO LONGER PERMITTED TO BE USED BY OFFICER OF THE MINNEOTA POLICE DEPARTMENT UNLESS AUTHORIZED BY THE USE OF DEADLY FORCE.**
- 2.5** Deadly Force: Deadly force shall include all force actually used by an officer against another which the officers knows, or reasonably should 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.
- 2.6** Great Bodily Harm: Great bodily harm shall mean bodily injury which creates a high probability of death, or which causes a permanent or protracted loss of impairment of the function of any bodily member or organ, or other serious bodily harm.
- 2.7** Non-Deadly Force: Non-deadly force shall include all force actually used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

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3.0 USE OF DEADLY FORCE:

It **SHALL** be the policy of this department to accord officers discretion in the use of deadly force to the extent permitted by MSS 609.065 Justifiable Taking of Life and MSS 609.066, Subd. 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary:

- 3.1 To protect him/herself or another from death or great bodily harm.
 - 3.1.1 (i) can be articulated with specificity by the law enforcement officer;
 - 3.1.2 (ii) is reasonably likely to occur absent action by the law enforcement officer; and
 - 3.1.3 (iii) must be addressed through the use of deadly force without unreasonable delay; or
- 3.2 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 under the threat criteria in clause (1), items (i) to (iii), unless immediately apprehended.
- 3.3 (b) 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 in paragraph (a), clause (1), items (i) to (iii).
- 3.4 That the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;
- 3.5 As set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great

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bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case;

- 3.6 That the decision by a peace officer to use 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 deadly force; and
- 3.7 That peace 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.
- 3.8 Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

4.0 USE OF NON-DEADLY FORCE:

It **SHALL** be the policy of this department to accord officers discretion in the use of non-deadly force to the extent permitted by MSS 609.06, which permits peace officers to use reasonable force.

- 4.1 In effecting a lawful arrest.
- 4.2 In the execution of legal process.
- 4.3 In enforcing an order of the court.
- 4.4 In effecting any other duty imposed on the officer by law.
- 4.5 In defense of self or another.

5.0 GENERAL RULES GOVERNING USE OF FORCE:

- 5.1 Officers **SHALL use no more than a reasonable amount of force** based on his/her perception of the threat within the totality of the circumstances at the moment force is/was used without impairing the safety of others; and **SHALL**

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stop using force when the threat has ceased or the subject is under the control of an officer.

- 5.2 Protracted hand-to-hand combat may be harmful to the public safety, the safety of the peace officer, and the safety of the person being arrested or captured. Therefore, it **SHALL be deemed reasonable for officers** to use that type and degree of non-deadly force necessary to bring a subject quickly under control or to disengage and evaluate options to prevent injury to officer, subject and the public.
- 5.3 Officers **SHALL** carry and use only department-approved weapons.
- 5.4 The decision and reasonableness of all forms of 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.
- 5.5 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.
- 5.6 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.
- 5.7 This policy **SHALL** be reviewed annually by all officer and any questions or concerns should be addressed to the Chief of Police for clarification. In addition this policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties with the Minneota Police Department.
- 5.8 Physical force **SHALL** not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily

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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 and that force will stop when the individual is under control.

- 5.9** 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.

5.9.1 In addition the officer shall physically position any individual in the officer's control so they are not lying on their chest or back, or in any manner that could obstruct the individual's ability to breath.

a. "Spit/bite hoods should only be used when an individual has spit or bitten or has threatened to do so.

b. Leg shackles **SHALL** only be used when an individual has kicked or threatened to kick an officer. Leg Shackles **SHALL** never be secured to the hands of an individual while behind their back or in such a way as to restrict their ability to freely breath, stand, or walk.

6.0 DISCHARGE OF FIREARMS:

- 6.1** Discharge of firearms is **PROHIBITED** when:

6.1.1 As a warning shot.

6.1.2 At a moving or fleeing vehicle, unless the circumstances come within the provisions of state law.

6.1.3 From a moving vehicle, unless the circumstances come with the provisions of state law.

- 6.2** Discharge of firearms permitted:

6.2.1 To kill a dangerous animal or one that humanly requires its removal from further suffering.

6.2.2 For target practice and firearms qualification, at an approved range.

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6.2.3 Any time use is authorized under Minnesota State statutes, this policy or, as outlined in Section 3.0 of this General Order.

7.0 USE OF IMPACT WEAPONS:

- 7.1** Impact weapons **SHALL** only be used when authorized by the use of deadly force MSS 609.066
- 7.2** In all cases of use, the subject **SHALL** receive proper first aid, and if warranted, be taken to the hospital emergency room for further examination and treatment.

8.0 USE OF CHEMICAL AGENTS:

- 8.1** **CHEMICAL AGENTS ARE NO LONGER PERMITTED TO BE USED BY OFFICERS OF THE MINNEOTA POLICE DEPARTMENT.**

9.0 USE OF NECK RESTRAINTS:

- 9.1** There are two (2) categories of neck restraint recognized by this department. **NECK RESTRAINTS ARE NO LONGER PERMITTED TO BE USED BY OFFICERS OF THE MINNEOTA POLICE DEPARTMENT UNLESS AUTHORIZED BY THE USE OF DEADLY FORCE.**
- 9.2** Respiratory Neck Restraint: The use of the respiratory neck restraint is considered deadly force by the Minneota Police Department. This neck restraint **SHALL** only be used in situations where the use of deadly force would be justified under MSS 609.066 Subd. 2.
- 9.3** Vascular Neck Restraint: The use of the vascular neck restraint is considered to be deadly force by the Minneota Police Department. This neck restraint **SHALL** only be used in situations where the use of deadly force would be justified under MSS 609.066 Subd. 2.
- 9.3** In all cases where a Neck Restraint is used in accordance with this policy and Minnesota State Statutes, medical care **SHALL** be immediately provided when the subject is under control and if the subject is rendered unconscious, he/she **SHALL** be taken to the hospital emergency room for further examination and treatment.

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10.0 DISPLAY OF FIREARMS AND TASER:

At the officer's discretion firearms and Tasers may be readied for use in situations where it is reasonably anticipated that they may be required in accordance with this policy and Minnesota State Statutes.

11.0 ANNOUNCING THE USE OF FORCE:

When feasible, an officer **SHALL** identify themselves as police officers and **SHALL** announce his/her intention to use only that type and degree of force, which is reasonably necessary under the circumstances. This provision **SHALL NOT** be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

12.0 REPORTING REQUIREMENTS:

12.1 An officer using any form of force **SHALL** in all instances notify the Chief of Police as soon as reasonably possible and prepare a written report in addition to all other reports concerning the incident.

12.1.1 Supplement Report

12.1.2 Firearms Discharge Report (State)

12.2 The Chief of Police **SHALL** review all incidents involving use of force to ensure compliance with policy, state statute and to evaluate future training needs.

13.0 USE OF MOTOR VEHICLE IN DEADLY FORCE SITUATIONS:

The use of a motor vehicle directly against a person is considered to be use of deadly force.

14.0 APPROVED WEAPONS:

14.1 Personal Firearm:

14.1.1 A firearm owned by the officer and approved by the Chief of Police for use while carrying out the duties of a Minneota Police Officer.

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14.2 Impact Weapons: DEADLY FORCE ONLY

14.2.1 Any third-party objects used to strike and individual.

14.3 Department Weapons:

14.3.1 Includes all firearms and Tasers owned and maintained by the department.

15.0 TRAINING:

All licensed peace officers **SHALL** annually complete a MN P.O.S.T Board approved training course in:

15.1 Use of firearms to included qualification shoots as approved by the MN P.O.S.T. Board.

15.2 Use of deadly force to include agency's policies and Minneota State statutes with regard to deadly force.

15.3 Use of non-deadly force to include Taser, handcuffing, self-defense, and de-escalation.

15.4 The Chief of Police **SHALL** maintain records of the agency's compliance with use of force training requirements.