

THIEF RIVER FALLS POLICE DEPARTMENT MANUAL

POLICY TYPE: OPERATIONS

SERIES 274

POLICY TITLE: USE OF FORCE

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USE OF FORCE AND DEADLY FORCE MN POST MANDATED POLICY

Distribution: All Sworn TRF PD Peace Officers.

Purpose

- The purpose of this section is to provide officers with guidelines regarding the use of deadly and non-deadly force.

Scope

- These rules shall apply to all officers of this department engaged in the discharge of official duties, whether within or outside the territorial limits of the City of Thief River Falls.

I. POLICY

It is the policy of the Thief River Falls Police Department to provide officers with guidelines for the use of force and deadly force 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 FORCE BY PEACE OFFICERS.

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.

II. DEFINITIONS

A. *Bodily Harm*: means physical pain or injury.

B. *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.

C. *Deadly Force*: force used by an officer that the officer 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.

D. *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.

E. *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:

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

F. *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.

G. *Chemical Agents*: Chemical agents means; chemical mace, pepper spray and/or tear gas, or any other agent administered by an Officer to render a subject incapacitated.

H. **Choke Hold:** Choke hold means 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.

I. **Contact Weapons:** Contact weapons means all objects and instruments which are used, or are designed to be used, to apply force to a person by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

J. **Less Lethal Munitions:** Taser X26P and 40mm Launcher (see Series 282, Less Lethal Munitions & Chemical Agents, for further details).

III. PROCEDURE

A. General Provisions

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

- 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.
- 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 Deadly Force

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;

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

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).

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

F. Use of Other Than Deadly Force

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:

- effecting a lawful arrest; or
- the execution of legal process; or
- enforcing an order of the court; or
- executing any other duty imposed upon the public officer by law; or
- defense of self or another.

G. Use of Certain Types of Force

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:

- Chokeholds,
- Tying all of a person's limbs together behind a person's back to render the person immobile, or;
- Securing a person in any way that results in transporting the person face down in a vehicle.

Less than lethal measures must be considered by the officer prior to applying these measures.

H. General Rules Governing Use of Force

1. Before carrying 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.
2. 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.
3. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the officer or the public requiring the use of a device or object that has not been authorized to counter such a threat.
4. With agency approval officers may modify, alter or cause to be altered an authorized device in his or her possession or control.
5. Protracted force encounters jeopardize the safety of the public, law enforcement personnel and the person being arrested or captured. Accordingly, an officer should use discretion to determine reasonable force options to bring a subject under control. De-escalation should be considered as an option, when appropriate. This policy should not be construed to

require officers to first attempt using types and degrees of force that reasonably appear to be inadequate to accomplish the intended objective.

6. An officer should, whenever practical, announce their intention to use reasonable force. Announcing the imminent use of approved Less Lethal devices both enables the suspect to comply, and prepares assisting officers to enable follow-up techniques to effect arrest.

I. DISPLAY OF FIREARMS

Firearms may be readied for use in situations where it is reasonable anticipated that they may be required.

J. WARNING SHOTS

Warning shots shall not be fired.

K. REPORTING REQUIREMENTS

1. An officer using deadly or non-deadly force shall, in all instances, prepare a use of force report in addition to all other reports concerning the matter. In order to provide the most accurate report possible, it shall be this departments policy that the officer shall be permitted to review any recorded squad car or body camera video before providing the report.
2. Supervisors shall review all incidents involving the use of force with all officers involved and submit a report of the incident to the Chief of Police. This report shall contain the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section.
3. Reporting requirements may be incorporated in the incident report the officer writes, in most cases. Use of deadly force or contact weapons will require a separate narrative report. Supervisor's reports will consist of a review of the incident report and initialing of the same, in most cases. Deadly force or contact force will require a separate supervisor's narrative report. If the Supervisor is personally involved in the Use of Force, or Deadly Force, the next Supervisor shall review and report to the Chief of Police.
4. The chief law enforcement officer will designate an officer to review all use of force incidents in which the chief law enforcement officer is personally involved, and all use of force reports which the chief law enforcement officer will personally prepare in accordance with this section. The officer so designated will review each incident in the manner described in the previous section. The designated officer will submit the use of force report, with his or her endorsement, to the City/County Attorney and City/County Administrator for further review.

5. If the results of review and investigation of a forceful encounter indicate a violation of this policy or other policies that might be relevant to the incident, then a copy of the report and any investigatory data shall be forwarded to the City/County Attorney for review, direction on further handling, and directions on dissemination of the report and investigatory data. In all other cases, such reports will be treated as confidential and will be placed in chronological order in the annual "Use of Force Incidents" file.
6. If the use of a firearm results in serious injury or death to another, the officer will be placed on "Leave of Absence with Pay" by the chief law enforcement officer. This assignment to Leave of Absence with Pay should not be interpreted to imply or indicate that the officer has acted improperly. The officer(s) shall see a person who has knowledge and expertise in post-trauma stress reactions within 48 hours of the incident.

L. Training

All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. In addition, training shall be provided on a regular and periodic basis and designed to

- Provide techniques for the use of and reinforce the importance of de-escalation
- Simulate actual shooting situations and conditions; and
- Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

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.

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.

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.

With agency approval officers may modify, alter, or cause to be altered an authorized device in their possession or control.

M. Recordkeeping Requirements

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.