

 <p>CHAMPLIN POLICE DEPARTMENT POLICY AND PROCEDURES</p>	Segment: 6 – Operations and Procedures Blue Section	Section: 600
	Section Title: Force – Use Of	Total Pages: 7
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PURPOSE

The purpose of this section is to provide officers with guidelines regarding the use of force, including but not limited to deadly force and less lethal force. This policy is in accordance with:

MN Statute 626.8452 - Deadly Force and Firearms Use Policies and Instruction Required;
 MN Statute 626.8475 - Duty to Intercede and Report;
 MN Statute 609.06 - Authorized Use of Force;
 MN Statute 609.065 - Justifiable Taking of Life; and
 MN Statute 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 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 engaged in the discharge of official duties.

DEFINITIONS

- 1) Device: Any instrument used, or designed to be used, to apply force to a person.
- 2) Approved Device: Approved Device means an 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: (1) obtained training in the technical, mechanical, and physical aspects of the device; and (2) has developed a knowledge and understanding of the laws, rules, and regulations regarding the use of such devices.
- 3) Intermediate Device: 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 instruments include, but are not limited to, police batons and flashlights.
- 4) Deadly Force: Force used by an officer against another which the officer knows or reasonably should 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, at another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
- 5) Great Bodily Harm: Great bodily harm shall mean 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.
- 6) Bodily Harm: Physical pain or injury.
- 7) Less Lethal Force: Force used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.
- 8) 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 the 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.
- 9) 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.

600.02 APPROVED DEVICES TO BE CARRIED

The following instruments have been approved by the Champlin Police Department and authorized for use by its officers:

- 1) Chemical agents (department approved)
- 2) Straight baton (ASP)
- 3) Taser (model to be dept approved)
- 4) Department approved Less lethal 40mm launcher
- 5) Department approved firearm(s)

For the use of less lethal force, all uniformed patrol officers are required to carry, on their person as part of their duty gear, a department approved chemical agent and Taser, while in the performance of their assigned patrol duties. The straight baton is optional. Circumstances may 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.

600.03 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:

- 1) Protect the peace officer, or another, from death or great bodily harm, provided that the threat:
 - a) Can be articulated with specificity;
 - 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
- 2) To affect the arrest or capture, or to 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. The officer reasonably believes

that the person will cause death or great bodily harm to another person under the threat criteria in 600.03.

a) Items a) through c) if the person's apprehension is delayed.

- 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 600.03 1) items a) through c).
- 4) In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

Where feasible, an officer shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.

600.04

USE OF LESS LETHAL FORCE

When de-escalation techniques are not effective or appropriate, it shall be the policy of this department, unless expressly negated elsewhere, to accord officer's discretion in the use of force to the extent permitted by MN Statutes, which permits police officers to use reasonable force:

- 1) In affecting a lawful arrest or
- 2) In the execution of legal process or
- 3) In enforcing an order of the court or
- 4) In affecting any other duty imposed on the officer by law or
- 5) Defense of self or another

600.05

GENERAL RULES GOVERNING USE OF FORCE

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
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.
5. No officer shall modify, alter, or cause to be altered, an approved device in his or her possession or control without prior approval of the Chief of Police or their designee (grips and sights are exempt).

600.06 CHEMICAL AGENTS

- 1) The use of chemical agents shall be governed by the provisions governing less lethal force. Only chemical agents which are approved, as defined in Section 600.02, shall be used.
- 2) First aid or medical attention shall be provided to all persons sprayed with chemical agents.

600.07 USE OF CERTAIN TYPES OF FORCE

Except in cases where deadly force is authorized under MN stat. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

- a) Chokehold, or;
- b) Tying all of a person's limbs together behind their 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.

600.08 THREATENING THE USE OF FORCE

An officer may announce to another his or her intention to use only that type and degree of force which could reasonably be applied under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

600.09 HOBBLE RESTRAINT

Officers shall only carry a RIPP brand hobble restraint. Officer shall only use a hobble restraint to prevent a subject from injuring themselves, injuring another or damaging property. After applying the hobble restraint to a subject, officers shall place the subject in an upright, seated position as soon as possible to prevent the

danger of positional asphyxia. The hobble restraint shall only be used to restrain the legs of the subject and should not be attached to the handcuffs. Use of a hobble restraint will be documented in the report by the officer applying the hobble.

600.10

TASER

- 1) The use of the Taser shall be governed by the provisions governing less lethal force. Only Tasers which are approved, as defined in Section 600.02, shall be used.
- 2) The Taser shall be worn, in an approved holster, on the opposite side of the firearm (as recommended by the manufacturer). It can be worn on the LBV or on the duty belt.
- 3) First aid or medical attention shall be provided to all persons who have had the Taser applied to them (this does not include training situations).
- 4) Officers shall property inventory expended cartridges into evidence.
- 5) Tasers shall not be applied to any person who the officer knows has been subjected to chemical agents.
- 6) Officers shall not remove Taser probes that are embedded in a subject's soft tissue (face, eyes, groin, nipples). Subjects that have Taser probes embedded in soft tissue will be taken to a medical facility for removal. Any Taser probes that are removed by officers must be inspected to ensure that the entire probe is intact and has been removed from the subject.

600.11

REPORTING REQUIREMENTS

- 1) An officer using or threatening the use of force shall, in all instances, prepare a use-of-force report in addition to all other reports concerning the matter.
- 2) The Defensive Tactics Supervisor or designee shall review all incidents involving the use of force. The Supervisor shall evaluate as to whether the officer's actions complied with the provisions of this section.
- 3) An officer using force of a greater degree than an escort hold will categorize his BWC video in Axon as "Use of Force".
- 4) An officer using force that results in death or great bodily harm will deliver his BWC to a supervisor for download and chain of custody.

600.12

DUTY TO INTERCEDE AND REPORT

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

a) Present and observing another officer who is employed by any agency using force in violation of 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and

b) Physically or verbally able to do so

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

600.13

TRAINING

- 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 less lethal force in accordance with this policy.
- 4) 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.
- 5) 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 less lethal situations. Such training and instruction shall continue on an annual basis.

600.14

RECORDKEEPING REQUIREMENTS

The Chief Law Enforcement Officer or their designee shall maintain records of the agency's compliance with use of force training requirements.

Date Implemented: March 1, 2002