

OWATONNA POLICE DEPARTMENT

POLICY: 101

EFFECTIVE DATE: January 10, 2022

SUBJECT: USE OF FORCE

PURPOSE:

This policy is intended to provide officers of the Owatonna Police Department with guidelines regarding the use of deadly and non-deadly force.

SCOPE:

The provisions of this policy shall be applicable to all officers of the Owatonna Police Department while engaged in the discharge of official duties.

POLICY:

It is the policy of this agency to ensure officers respect the sanctity of human life when making decisions regarding the use of force. Sworn law enforcement officers are 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.

DEFINITIONS:

- 1. Officer:** Officer means licensed peace officers employed by the Owatonna Police Department. It shall also include community service officers and volunteer police reserve officers while acting in their official capacity.
- 2. Force:** Force means any actions or conduct by an officer to accomplish a lawful purpose where it is necessary to overcome the actions or conduct of another person, who does not voluntarily submit to or who interferes with the officer's lawful purpose or authority. The spectrum of force available to an officer begins with verbal commands and contact control methods and ends with the intentional use of deadly force. Characterizations of the amount of force used shall be based upon the type of weapon or tactic used, including physical contact by the officer, and the manner in which any such weapon or tactic is used by an officer to accomplish a lawful purpose.

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3. **Deadly Force:** Deadly force means force which the officer uses with the purpose of causing, or which the officer 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 an 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.
4. **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.
5. **Bodily Harm:** Physical pain or injury.
6. **Great Bodily Harm:** Great bodily harm means 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.
7. **Weapon:** Weapon shall mean any instrument or device used, or designed to be used, to apply force to another person, or used to disable, incapacitate, or restrain an uncooperative or non-compliant person. The term weapon shall not include handcuffs used to restrain a person when arrested or otherwise being held in custody.
8. **Approved Device:** A device an officer has received authorization to carry and use in the course of the officer's duties, and, for which the officer has:
 - A. Obtained training in the technical, mechanical, and physical aspects of the device; and
 - B. Developed a knowledge and understanding of the law, and regulations regarding the deployment of such weapons.
9. **Readying of Firearms:** Readying a firearm means drawing a weapon from a holster, squad mounted gun lock or other position.
10. **Low Ready Position:** "Low Ready" is when the firearm is pointed at the ground between the officer and the subject/target. The officer in a low ready carry position keeps a wide field of vision on all possible threats and is looking over the top of their weapon mounted sights/optics. For the purpose of this policy, low ready is not considered an intentional point of a firearm at another.
11. **High Ready Position:** "High Ready" is when the firearm is oriented above a horizontal plane and is above or away from the potential threat. This position can be used when "low ready" may not be the safest position or when working around others. While utilizing the

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high ready position, the weapon is not pointed at any part of another. For the purpose of this policy, high ready is not considered an intentional point of a firearm at another

12. **Intentional Point/Shooting or Firing Position:** To intentionally point a firearm at or towards any part of another person.
13. **Other Carry Position:** Any other index-carry position of a readied firearm, i.e. Sul and Temple Index are safe muzzle control positions when working around others and in close quarters. Officers must exercise caution when moving a firearm in the muzzle up/Temple Index position to an alternate carry position so the officer does not point the firearm at another person. For the purpose of this policy, these other carry positions do not constitute an intentional point of a firearm at another.
14. **Chemical Agents:** Chemical agents mean any aerosol chemical weapon or tear gas device.
15. **Contact Weapon:** Contact weapon means any weapon which is used or designed to be used to strike a person or otherwise make direct physical contact with such person. Contact weapons include, but are not limited to, police batons, TASERS and flashlights.
16. **Less Lethal Force:** Less lethal force means force which is not reasonably calculated to cause or not likely to create a substantial risk of causing death or great bodily harm.
17. **Less Lethal Impact Munitions:** Projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.
18. **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 to be used. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
19. **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 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.

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I. Authorized Use of Force

- A. Officers shall have the discretion to use force to the extent permitted by Mn. Stat. 609.06. Under Mn. Stat. 609.06, a peace officer is authorized to use reasonable force upon or toward a person without the other's consent when the following circumstances exist, or the officer reasonably believes the following exist:
 - 1. When used by a public officer or one assisting a public officer under the public officer's direction;
 - a. In effecting a lawful arrest; or
 - b. In the execution of legal process; or
 - c. In enforcing an order of the court; or
 - d. When used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another, or
 - e. In effecting any other duty imposed on the officer by law

II. General Rules Governing the Use of Force

- A. 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 circumstances shall account for occasions when officers may be forced to make quick judgements about using such force.
- B. Officers shall limit their use of force to the least 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.
- C. Physical force should be discontinued when resistance ceases or when the incident is under control.
- D. 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 reasonable to control the situation shall be used.
- E. 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 officers.
- F. 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

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providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

- G. In determining the degree of force which is reasonable under the circumstances, officers shall consider the following:
 - 1. The severity of the crime or threat;
 - 2. Whether the suspect poses an immediate threat to the safety of the officers or others;
 - 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 - 4. Whether the criminal or assaultive history of the suspect or location presents a situation in which quick control or compliance is needed.

III. Authorized Use of Deadly Force

- A. 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. To 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 force without unreasonably delay; or
 - 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 the above paragraph (A), item (1), items (a) to (c), unless immediately apprehended.
- B. 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 the above paragraph (A), item (1), items (a) to (c).
- C. When feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.
- D. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

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E. Duty to Intercede

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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

1. Present and observing another officer using force in violation of Mn. Stat. (Deadly Force) 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
2. Physically or verbally able to do so.

F. Duty to Report

An officer who observes another officer use force that exceeds the degree of force permitted by law, or department policy, 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.

G. De-escalation

1. 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.
2. 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.

H. Use of Other Than Deadly Force

1. 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:
 - a. effecting a lawful arrest; or
 - b. the execution of legal process; or
 - c. enforcing an order of the court; or
 - d. executing any other duty imposed upon the public officer by law; or
 - e. defense of self or another.

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I. Use of Certain Types of Force

1. 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:
 - a. Chokeholds,
 - b. Tying all of a person's limbs together behind a person's back to render the person immobile, except as authorized by the department's Leg Restraint Device section within this policy
 - c. Securing a person in any way that results in transporting the person face down in a vehicle.
2. Less than lethal measures must be considered by the officer prior to applying these measures.

J. Training

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. Any concerns should be addressed to the immediate supervisor for clarification.
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 other than deadly force in accordance with this policy.
3. 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.
4. 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.
5. 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.
6. With agency written approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

K. Recordkeeping Requirements

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

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IV. Specific Rules Relating to the Use of Specific Weapons

A. Contact Weapons

1. Contact Weapons may be used by an officer only where efforts involving the use of less force have failed, or where it reasonably appears that such lesser force would be ineffective if attempted. The use of contact weapons is limited to the following circumstances:
 - a. To block strikes from another person;
 - b. To strike another person for the purpose of rendering that person temporarily incapacitated;
 - c. To restrain another person;
 - d. In an appropriate crowd or high-risk situation, to direct and control the movements of people or persons present; or
 - e. Used as a barricade or barrier.
2. When use of a contact weapon is justified, strikes shall be directed at non-vital areas of a person's body. Strikes from a contact weapon shall not be directed at a person's vital areas unless the use of deadly force is justified.

B. Chemical Agents

1. Chemical Agents shall not be used for the purpose of punishing a person held in custody, and due care shall be exercised by officers to ensure that chemical agents are not sprayed upon persons other than the person upon whom the use of a chemical agent was intended.

C. K-9 Use (Apprehension)

The use of this level of force shall be done only under the direction of a K-9 handler. Details on the use of this force is specified in the K-9 Policy.

D. Less Lethal Impact Munitions

1. Less lethal impact munitions may be readied where it is reasonable to believe that the use of less lethal force may be necessary.
2. Only officers trained and certified in this area may use less lethal impact munitions.
3. See Addendum B for additional policy specific to less lethal impact munitions.

E. TASER (CEW)

1. The Advanced TASER may be used in situations where non-lethal force is justified.
2. Only officers trained and certified in the use of the TASER may carry and deploy the unit.

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F. Firearms

1. Firearms may be *readied* for use in any situation when a reasonable officer believes that such condition is necessary for the safety of officer(s) or others. *See definition section for Readyng of firearms.*
2. Intentional pointing of a firearm is authorized in any situation where the officer has reasonable articulable suspicion that the use of deadly force may be imminent to protect the officer or another from death or great bodily harm.
3. Firearms should not be discharged or fired to warn a person that deadly force will be used.

V. Miscellaneous Provisions

A. First Aid and Care Assessment

1. The minimal level of medical first aid that will be provided to all persons is detailed in the chart below.

ITEM	OFF./SGT. CHECK	PARAMEDIC	HOSPITAL
Contact Weapon	X		
Chemical Agents	X		
K-9 Bite	X		
Less Lethal Impact Munitions	X	XX	XXX
TASER	X	XX	
Firearm Discharge/Injuries	X	XX	XXX

B. Leg Restraint Devices

1. When an officer deems it reasonable to restrain legs of a violent or potentially violent person during the course of detention, arrest, and/or transportation, only the department approved restraint device will be used, and only in the manner approved for such temporary immobilization of the legs.
 - a. In determining whether to use leg restraints, officers should consider the following:
 - (1) Is the officer and/or others subject to harm due to the assaultive behavior of a violent, resisting and/or attacking person.
 - (2) Is it reasonable to protect the suspect from his/her own actions which would place him/her in danger, i.e., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
 - (3) The leg restraints shall be used only after the person has been handcuffed.

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2. The leg restraints are designed to prevent injury to the person in custody or another person, or to prevent property damage caused by the person in custody using their legs in manner likely to result in injury or damage. The leg restraints will only be used to bind and immobilize a person's legs.
3. Only those officers trained in the use of leg restraints are authorized to deploy it on any person. The following guidelines shall be used when applying leg restraints.
4. Pre-Transport
 - a. If practical, officer(s) should notify a supervisor with the intent to apply leg restraints. In all cases, a supervisor should be notified as soon as practical after the application of the leg restraints.
 - b. Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.
 - c. The suspect shall not be left immobilized on his/her stomach as this reduces the free flow of air to the lungs.
 - d. The suspect shall be constantly watched by an officer while in the restraint. The officer is to ensure the suspect does not roll onto his/her stomach.
 - e. The officer shall look for signs of labored breathing.
5. Transporting Leg Restrained Suspects

When transporting a suspect(s) who has been restrained, officers shall observe the following procedures:

 - a. Leg Restrained suspects may be transported in a police car.
 - (1) The long lead of the restraint will be secured to the partition if needed.
 - i. The dome light or a flashlight will be used to assist in monitoring the welfare of the prisoner.
 - ii. If the prisoner moves to a facedown position, the officer will pull over and reposition the prisoner to a safe side-position.
 - iii. For the safety of all individuals and to protect city property from damage, prisoners restrained in this manner should be transported directly to the jail as soon as possible.
 - iv. When transported by a squad car, the prisoner shall be accompanied by two officers in a squad car or a secondary sworn officer following in a separate squad car if available.
 - v. When transported by an ambulance/paramedic unit, the suspect shall be accompanied by a sworn officer.

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6. Leg Restraints Reporting Requirements – Any time leg restraints are used, the circumstances requiring the use shall be documented in the Use of Force Report / Aggression- Resistance Report. The officer shall include the following information:
 - a. The amount of time the prisoner was restrained;
 - b. How the prisoner was transported and the position of the suspect;
 - c. Observations of the prisoners physical and physiological actions;
 - d. Any known or suspected drug use or other known medical conditions; and
 - e. Any complaint made by the prisoner.

C. Reporting Requirements

1. Officers shall document the use of force in all instances where force is used to accomplish an arrest, detention or for any other purpose.
 - a. Force use shall be documented in the police reports concerning the arrest or detention of an individual, and a separate Use of Force/ Aggression – Resistance Report shall be submitted under the following conditions:
 - (1) When defense tactics manipulations, stuns, unarmed kicks and strikes, a chemical weapon, contact weapon, use of K-9, takedowns, wristlocks, less lethal impact munitions, TASER or a firearm is used upon any person; or
 - (2) When the use of force has resulted in complaint of injury or demonstrable bodily injuries to the officer or the suspect; or
 - (3) When the PIT Maneuver or Stop Sticks are used to terminate a pursuit.
 - b. Use of Force/Aggression – Resistance Report shall include the following information:
 - (1) Type(s) of resistance,
 - (2) What type(s) of force or tactics used;
 - (3) If the use of force or tactics resulted in any injury or complaint of injury; and
 - (4) The actions taken to ensure that any injured person received appropriate and timely medical attention. Documents related to any hospital or paramedic check shall be attached to the use of force report.
2. In those instances where a Use of Force/Aggression – Resistance Report is required, the officer shall promptly report the situation to the on-duty supervisor and shall submit the required Use of Force/Aggression Resistance Report and Offense Report as soon as practical and any delay in reporting shall be approved by a supervisor.
 - a. When an officer's immediate supervisor is not immediately available, the reporting requirements specified above shall be addressed to the on-duty patrol supervisor.

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3. The supervisor shall:
 - a. Review reports and make additional inquiries, if necessary, to determine whether the use of force or tactic was in compliance with this policy and other policies that may be relevant to the incident;
 - b. Endorse the report indicating the action taken was either justified or requires further investigation; and
 - c. In cases that are not justified or require further investigation, include details of that determination.
 - d. Sign the bottom of the Use of Force/ Aggression- Resistance report as acknowledgment of reviewal

4. Copies of the Use of Force/Aggression – Resistance Report and related Offense Report shall be routed to the following persons:
 - a. Captain
 - b. Use of Force Coordinator
 - c. Records