


Inver Grove Heights Police Policy Manual		Subject: Use of Force		
Effective: August 1, 2018	Policy Number: 18-02	Replaced Policy Number: 17-02	Page: 1	

Contents

- |  |   |
|--|---|
| I. Purpose   | X. Deadly Force                         |
| II. Policy   | XI. Shooting at or From Moving Vehicles |
| III. Duty to Intervene                                     | XII. Notification to Supervisor         |
| IV. Definitions  | XIII. Medical Consideration             |
| V. Use of Force  | XIV. Duty to Render Aid                 |
| VI. Use of Force to Effect an Arrest                       | XV. Supervisor Responsibility           |
| VII. Factors Used to Determine the Reasonableness of Force | XVI. Reporting the Use of Force         |
| VIII. De-Escalation and Minimization of Risk               | XVII. Assessment and Analysis           |
| IX. Pain Compliance Techniques                             | XVIII. Training                         |

**I. PURPOSE:**

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

**II. POLICY:**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. On a daily basis officers are involved in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. However excessive and/or gratuitous force will not be tolerated.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

**III. DUTY TO INTERVENE:**

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, intervene to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  2
----------------------------------	------------------------------	----------------



#### IV. **DEFINITION:**

**Deadly Force:** Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

**Force:** The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained. 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.

**Committee Review:** A committee consisting of three (3) members; one (1) supervisor [chairperson], and two (2) department members chosen by the supervisor. The reviewing committee conducts an assessment and analysis of incident involving the injury to determine:

1. If department policies and procedures need to be reviewed or changed; and
2. The efficiency of department procedures, tactics, training, and equipment as it pertains to the use of force incident.

#### V. **USE OF FORCE:**

- A. To effectively accomplish the police mission with the cooperation of the public, 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. 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.
- B. The use of force should generally be reasonable to the resistance encountered. As practical, officers should have a minimal reliance upon the use of physical force and employ de-escalation tactics before applying force tactics.
- C. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.
- D. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
- E. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  3
----------------------------------	------------------------------	----------------



- F. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.
- G. When responding to an incident, which may require the use of force officers WILL:
1. Evaluate the situation.
  2. Establish control of their firearm.
  3. When feasible and safe, provide some warning to the individual, when possible.
  4. Illuminate the subject, when/if necessary.
  5. If physical force is necessary and time allows, coordinate appropriate tactics with a sufficient number of officers to safely overcome resistance.
  6. Use only the force necessary based on the totality of circumstances.
  7. Target the preferred or intermediate striking areas identified in departmental training.
  8. Handcuff and ensure that cuffs are double-locked at the earliest possible time to reduce potential resistance.
  9. Notify a supervisor as soon as practicable.
  10. Ensure that the individual is checked for injuries.
  11. Prepare all necessary police reports as required by departmental policy.
- H. When responding to an incident, which may require the use of force officers WILL NOT:
1. Whenever possible, sit, kneel, or stand on a subject's back or chest.
  2. Stand on a subject's head, face, or neck area.
  3. Abusively kick or stomp a subject.
  4. Transport an individual in a face-down position, especially when handcuffed. This serves to protect the individual from positional asphyxia when the position of the subject's body interferes with the individual's ability to breathe.
  5. Intentional use of neck restraints are prohibited unless deadly force applies, including those circumstances in which a subject attempts to ingest narcotics or other evidence. In such circumstances, the subject should be immediately transported to the nearest hospital.
- I. Department Personnel will not unnecessarily or unreasonably endanger themselves or others in applying these guidelines to actual situations.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  4
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**VI. USE OF FORCE TO EFFECT AN ARREST:**

- A. An officer may use reasonable force (Minnesota State Statutes 609.06 and 629.33):
1. In effecting a lawful arrest.
  2. In the execution of a legal process.
  3. In enforcing an order of the court.
  4. In executing any other duty imposed by law.
  5. In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
  6. In restraining a person who is mentally ill or mentally defective from self-injury or injury to another.
  7. In self-defense or defense of another.
- B. An officer who makes or attempts to make an arrest need not retreat or discontinue from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

**VII. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:**

- A. When determining whether to apply force and evaluating whether an officer has used reasonable force, some factors should be taken into consideration, as time and circumstances permit.

These factors include, but are not limited to:

1. Immediacy and severity of the threat to officers or others.
2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
3. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
4. The effects of drugs or alcohol.
5. Subject's mental state or capacity.
6. The proximity to weapons or dangerous improvised devices.
7. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
8. The availability of other options and their possible effectiveness.
9. The seriousness of the suspected offense or reason for contact with the individual.
10. Training and experience of the officer.
11. The potential for injury to officers, suspects, and others.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  5
----------------------------------	------------------------------	----------------



12. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
13. The risk and reasonably foreseeable consequences of escape.
14. The apparent need for immediate control of the subject or a prompt resolution of the situation.
15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
16. Prior contacts with the subject or awareness of any propensity for violence.
17. Any other exigent circumstances.

### **VIII. DE-ESCALATION AND MINIMIZATION OF RISK:**

- A. When safe under the totality of the circumstances and when time and circumstances permit, officers shall use de-escalation tactics to reduce the need for force.
- B. De-escalation tactics and techniques are actions used by the officer, when safe and without compromising law enforcement priorities, which seek to minimize the likelihood of the need to use force during an incident. When safe and feasible under the totality of the circumstances, officers shall slow down or stabilize the situation so that more time, options, and resources are available for incident resolution. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
  1. Medical conditions
  2. Mental impairment
  3. Developmental disability
  4. Physical limitation
  5. Language barrier
  6. Drug interaction
  7. Behavioral crisis
- C. An officer's awareness of these possibilities, when time and circumstances permit, shall then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
- D. Mitigating the immediacy of the threat gives officers time to utilize extra resources and increases the time available to call more officers or specialty units. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

Other examples include:

1. Placing barriers between an uncooperative subject and an officer.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  6
----------------------------------	------------------------------	----------------



2. Containing threat.
3. Moving from a position that exposes officers to potential threats to a safer position.
4. Decreasing the exposure to the potential threat by using distance, cover, or concealment.
5. Communication from a safe position intended to gain the subject's compliance through the use of verbal persuasion, advisements, or warnings.
6. Avoidance of a physical confrontation, unless immediately necessary to protect someone or stop dangerous behavior.
7. Using effective verbal techniques to calm and agitated person and promote rational decision-making.
8. Calling additional officers or resources to assist, including more officers, officers with specialized training or skills (i.e., language interpretation, etc.), officers equipped with less lethal tools, any other tactics and approaches that attempt to achieve the law enforcement objective by gaining compliance.

**IX. PAIN COMPLIANCE TECHNIQUES:**

- A. Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply pain compliance techniques for which they have successfully completed training. Officers utilizing any pain compliance technique should consider:
1. The degree to which the application of the technique may be controlled given the level of resistance.
  2. Whether the person can comply with the direction or orders of the officer.
  3. Whether the person has been given sufficient opportunity to comply.
- B. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

**X. DEADLY FORCE:**

- A. Use of deadly force is justified only when necessary in the following circumstances (Minnesota State Statute 609.066):
1. To protect the officer or others from what he/she reasonably believes would be an imminent threat of death or great bodily harm.
  2. 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 involving the use or threatened use of deadly force.
  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

Effective:  August 1, 2018	Subject:  Use of Force	Page:  7
----------------------------------	------------------------------	----------------



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.

**B. Officers shall issue a verbal warning of their intention to use deadly force in those situations where it is feasible to do so.**

**XI. SHOOTING AT OR FROM MOVING VEHICLES:**

- A. Shots fired at or from a moving vehicle are rarely effective. Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Moving into or remaining in the path of a moving vehicle when no reasonable alternatives exist, may not be justification for discharging a firearm at the vehicle or any occupant.
- B. Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle or the driver. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in a crime) may be increased when the vehicle either out of control or shots are fired into the passenger compartment.
- C. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, if the moving vehicle is being used in a manner to cause mass casualties, or if deadly force other than the vehicle is directed at the officer or others.

**XII. NOTIFICATION TO SUPERVISOR:**

- A. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:
  - 1. The application caused a visible injury.
  - 2. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
  - 3. The individual subjected to the force complained of injury or continuing pain.
  - 4. The individual indicates intent to pursue litigation.
  - 5. Any application of a Conducted Energy Weapon (Taser) or control device.
  - 6. Any application of a restraint device other than handcuffs, shackles or belly chains.
  - 7. The individual subjected to the force was rendered unconscious.
  - 8. An individual was struck or kicked.
  - 9. An individual alleges any of the above has occurred.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  8
----------------------------------	------------------------------	----------------



### **XIII. MEDICAL CONSIDERATION:**

- A. Before booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained a visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.
- B. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
- C. The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be a potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- D. Persons who exhibit extreme agitation, violent, irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **XIV. DUTY TO RENDER AID:**

- A. In use of force cases, it is expected that once the scene is safe, involved or other responding personnel shall offer medical assistance to all persons involved and monitor all persons to determine any need for medical attention.
- B. Officers should remain vigilant about excited delirium and other health factors.
- C. Officers will render medical care, for all injured persons involved in accordance with their level of training. Medical care is to be provided by officers until relieved by paramedics or others who have higher levels of training and/or are uninvolved in the incident.
- D. If needed officers will have the individual evaluated by paramedics transported to a medical facility for medical attention where applicable.



Effective:  August 1, 2018	Subject:  Use of Force	Page:  9
----------------------------------	------------------------------	----------------



- E. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

**XV. SUPERVISOR RESPONSIBILITY:**

- A. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:
1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force; this will be considered a routine contact in the normal course of duties.
  2. Ensure that any injured parties are examined and treated.
  3. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  4. Ensure witnesses not already included in related reports are identified.
  5. Review and approve all related reports.
  6. Evaluate the circumstances surrounding the incident and notify Command Staff.
- B. If a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.
- C. The supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

**XVI. REPORTING THE USE OF FORCE:**

- A. Any use of force greater than handcuffing by a member of this department shall be documented promptly, completely and accurately in an appropriate report (incident, supplemental, aggression/resistance form, etc.), depending on the nature of the incident, the following are some circumstances when:
1. when a firearm is pointed at a person or discharged outside of the firing range except to dispatch an injured animal;
  2. when a use of force results in or is alleged to have resulted in, death or injury;
  3. when chemical aerosol is pointed at a person or used,
  4. when a Conducted Energy Weapon (Taser) is pointed at a person or discharged;
  5. when a takedown is used;
  6. when hard empty hand control is used (punches, kicks, and strikes);
  7. when a baton is displayed or used to strike at a person;
  8. when specialty impact munitions or less than lethal projectiles are deployed.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  10
----------------------------------	------------------------------	-----------------



- B. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The purpose of the Aggression/Resistance form is to collect data for training, resource allocation, analysis and other related purposes.
- C. The Department may require the completion of additional report forms, as specified in department policy, procedure or law.

**XVII. ASSESSMENT AND ANALYSIS:**

- A. A committee review will occur for the following use of force incidents;
  - 1. Any discharge of a firearm outside of the exemptions;
  - 2. Any use of force incident by department personnel that results in a reported substantial bodily harm or great bodily harm injury of a subject.
  - 3. Any incident requested to be reviewed by any department employee.
- B. The assessment and analysis will be done through a committee review.
- C. The chairperson will be notified by command staff to convene a committee review.
- D. Before the chairperson convening a committee review, they shall notify the involved employee(s) of the committee review.
- E. All committee reviews will be conducted in person by committee members. The reviewing committee conducts an assessment and analysis of all available documents related to the use of force incident to determine:
  - 1. The efficiency of department policies and procedures as it pertains to the use of force incident.
  - 2. The efficiency of department tactics, training, and equipment as it pertains to the use of force incident.
- F. After the committee has concluded the assessment and analysis, the chairperson shall submit a report to the Chief of Police or designee containing all relevant information concerning the use of force incident organized into the following four sections:
  - 1. Conditions: A chronological review of the incident, identification of involved employees, any tactics, equipment, or training used. As well as note any relevant departmental policies or procedures.
  - 2. Evaluation: An assessment and analysis of the employee's conduct and performance regarding;
    - a. The efficiency of department policies and procedures as it pertains to the use of force incident.
    - b. The efficiency of tactics, training, and equipment as it pertains to the use of force incident.
  - 3. Findings: A written statement drawing reasonable conclusions from the assessment and analysis and recommending the appropriate summary finding for the use of force incident.

Effective:  August 1, 2018	Subject:  Use of Force	Page:  11
----------------------------------	------------------------------	-----------------



More than one finding can apply:

- a. Finding of Concern\*: A statement of concern of the overall use of force incident.
- b. Finding of Confirmation\*: A statement confirming department policy was followed.
- c. Finding of Violation\*: A statement alleging a violation of department policy.

\* The Findings of; Concern, Confirmation, and Violation are not part of the committee review. These findings are policies and/or concern review by the supervisor regarding the overall injury incident.

- 4. Recommendations: As it pertains to the use of force incident, the committee may recommend additional training for the employee, changes to equipment and/or additional equipment, changes to department policies, procedures, or tactics. The Chief of Police or designee will review the recommendation(s) along with any additional information as necessary to evaluate the merits of recommendation(s).
- G. The committee report will be forwarded to the Chief of Police or designee for final review. Upon approval, the chairperson will discuss the committee report with the department personnel involved in the use of force incident.

**XVIII. TRAINING:**

- A. The Training Manager shall ensure that all personnel who are authorized to use force have been properly trained on the use of force. Personnel will receive training on the use of force and this policy, including the learning objectives as provided by POST, at least annually (MN Statute 626.8452, Subd. 3).
- B. The Chief of Police or designee will maintain records of the department's compliance with use of force training requirements.