



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

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| TITLE: USE OF FORCE AND USE OF FORCE TRAINING | GENERAL ORDER NUMBER: 105 |
| REFERENCES: M.S. §§ <u>609.06</u>, <u>609.066</u>, <u>629.32</u>, <u>629.33</u>; <u>General Order 108</u>, and <u>ATTACHMENT A</u> (Authorized Firearms and Ammunition) | EFFECTIVE DATE: 09/01/2016 |
| REVIEW DATE: 01/01/2019 | DISTRIBUTION: A |

The purpose of this General Order is to establish the authority by which employees of this agency may affect the use of reasonable force to accomplish criminal and civil process under the direction of the Chief. It is the policy of this department that Officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances. The Columbia Heights Police Department Authorizes employees to use reasonable force only to accomplish a legal duty, or to defend themselves or others from actual or threatened bodily harm. Use of force is limited to only that degree of force that is reasonably necessary to accomplish their legitimate purpose.

105: 1 Definitions

Authorized Employee

An Officer, Reserve, or Community Service Officer (CSO), of the Columbia Heights Police Department who possesses currently approved training in the use of force.

Force

Any official interference with the freedom or activities of another person by an authorized employee.

Deadly Force

Deadly force means force which the actor uses with the purpose of causing or which the actor 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 a peace 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.

Bodily Harm

Physical pain or injury, illness, or any other physical impairment.

Substantial Bodily Harm

Bodily injury that involves a temporary but substantial disfigurement; or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

Great Bodily Harm

Bodily injury that creates a high probability of death, or that causes serious permanent disfigurement, or that causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

Reasonable Belief

The facts or circumstances that an officer knows, or should know, are sufficient to cause an ordinary and prudent officer to act and think in a similar manner under similar circumstances.

Vehicle

Motorized vehicles including, but not limited to cars, trucks, aircraft, snowmobiles, and watercraft.

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| 105:2 Use of Force |
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105:21 Authorization to Use Force

Authorized employees shall not use force against any person except as authorized by Minnesota Statutes §§ **609.06**, **609.066**, **629.32**, and **629.33**.

105:211 Use-of-Force Continuum

Authorized employees, Reserves, and community service officers (CSOs) shall recognize and be familiar with the *use-of-force continuum*. The following are the officer control options listed in the continuum:

Dialogue

Considered the best defensive tactic, *dialogue* is the most fundamental control option that can be employed. *Dialogue*, as a means of persuading an individual to comply, is the foundation on which all additional force is built. Talking a subject into compliance avoids the inherent dangers of a physical confrontation in which the officer or subject might be injured. Officers should identify themselves unless doing so would create a dangerous situation.

Escort

If *dialogue* is not effective, the next means of gaining control is the use of *escort* techniques. This is a low-level compliance procedure -- non-threatening and non-violent. The purpose of *escort* compliance is to remove from the area a subject who might present a threat to the officer or the public. From a physical standpoint, *Escort* is perhaps the most commonly employed physical technique.

Pain Compliance

When an *escort* technique fails or would be unsafe, the next control option is a *pain compliance* technique. *Pain compliance* techniques include joint manipulations, pressure points, chemical agents, and tasers. These techniques produce stimulus pain, and compliance results from an effort on the part of the individual to

relieve the discomfort. *Pain compliance* may be used in circumstances in which *escort* is inappropriate, and yet a higher use of force is not justified.

Mechanical Control

Use of unarmed countermeasures (a punch, kick, throw, or stun) is the next option available, if *pain compliance* is ineffective or would be inappropriate. The use of *mechanical control* has a higher probability of gaining compliance, but also has a higher potential for injury to the subject. As a result, *mechanical control* is employed only in those circumstances in which the preceding levels of force would be inappropriate as a result of the subject's behavior, or are ineffective as a means of control.

Intermediate Force

When *mechanical control* fails or would be inappropriate, the use of an *intermediate force* is required. *Intermediate force* weapons include the straight expandable baton, the straight plastic or wood baton, and less lethal munitions. An *intermediate force* weapon is an intermediate level of control that bridges the gap between the use of hands or fists, and the use of a firearm to control the subject.

Deadly Force

Deadly force is the most serious level of control options. This includes, but is not limited to, the discharge of a firearm, or use of any other tactic or weapon that would be used in a manner that death or great bodily harm is the probable result.

105:212 Exceptions, Use-of-Force Continuum

Authorized employees shall understand that it is not always possible to proceed step by step through the *use-of-force continuum*, however, when practical, authorized employees should identify themselves as an officer before using a control option.

Emergency Impact Weapon

Nothing in this General Order shall prohibit an officer from using an impact weapon other than a baton (reference section 105:25 of this General Order), should an emergency situation arise wherein the officer cannot gain access to the authorized baton.

105:22 Authorized Use of Deadly Force by Officers

Whenever practical, authorized employees should give a verbal warning before using *deadly force*. *Deadly force* used by an officer in the line of duty is only justified when necessary to:

- Protect themselves or another from apparent death, great bodily harm, or serious physical injury;
- 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*; or
- Effect the arrest or capture, or prevent the escape of a person whom the officer knows, or has reason to believe, has committed or attempted to commit a felony, if the officer reasonably believes that the person will cause death or great bodily harm if apprehension is delayed.

Note: A fleeing felon shall not be presumed to pose an immediate threat to life in the absence of actions or information that would lead the officer to reasonably believe a demonstrated threat or wanton disregard for human life has occurred.

105:23 Deadly Force Prohibited

- Moving Vehicles
 - a. Firearms shall not be discharged at a moving or fleeing vehicle unless deadly force is being used against the police officer or another person

present by means other than the moving vehicle.

- b. Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.
- c. Firing at moving vehicles is prohibited for the following reasons:
 1. Firing at a moving vehicle may have very little impact on stopping the vehicle.
 2. 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 the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.
- d. Officers are discouraged from immediately approaching a stopped vehicle at the conclusion of a pursuit or other high-risk stop. Where reasonably possible, officers shall use the high-risk stop tactic.
- e. Firing from a moving vehicle: Accuracy may be severely impacted when firing from a moving vehicle, and firing from a moving vehicle may increase the risk of harm to officers or other citizens. Officers should not fire from a moving vehicle except in self-defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.

105:24 Excessive Force Never Authorized

Authorized employees shall use only that degree of force reasonably necessary to accomplish their legitimate purpose. When the subject becomes compliant, the force option being applied shall be stopped.

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in position to do so, safely intervene to prevent the use of that level of force. Officers shall promptly report these observations to a supervisor.

105:25 Other Authorized Use of Firearms

Other authorized uses of firearms are included in General Order 108, Firearms / Authorization to Carry Firearms.

105:26 Approved Weapons

Uniformed patrol Officers trained in their proper use shall carry the following approved weapons:

- Impact Weapons (one of the following):
 - ASP expandable baton, 16 to 26 inches in length;
 - Telescoping metal or graphite police baton, black in color, 16 to 26 inches in length when expanded;
 - Department-issued riot baton;
 - Electronic control devices (approved and issued by the Department) when available.
- Chemical Agents
Chemical irritants approved and issued by the Department.
- Firearms
Firearms as approved in General Order 108, Attachment A - AUTHORIZED FIREARMS AND AMMUNITION.
- Other
Weapons that are approved by the Chief for regular or special use.

105:27 Medical Considerations When Force is Used

Whenever an officer, community service officer (CSO), or reserve officer uses physical force of any level on any person, that employee shall immediately, or as soon as practical, determine if the person was injured, and render first aid if needed. The employee shall also request emergency medical aid for the injured person, if necessary.

105:3 De-escalation

Whenever reasonable according to Columbia Heights policies and training, Officers **shall** use de-escalation tactics to gain voluntary compliance and seek to avoid or minimize use of physical force.

When safe and feasible, Officers shall:

- Attempt to slow down or stabilize the situation so that more time, options and resources are available.
 - Mitigating the immediacy of threat gives Officers more time to call additional Officers or specialty units and to use other resources.
 - The number of Officers on scene may make more force options available and may help reduce overall force used.
- 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:
 - Medical conditions
 - Mental impairment
 - Developmental disability
 - Physical limitation
 - Language barrier
 - Influence of drug or alcohol use
 - Behavioral crisis

Such consideration, when time and circumstances reasonably permit, shall then be balanced against incident facts when deciding which tactical

options are the most appropriate to resolve the situation safely.

De-escalation tactics include, but are not limited to:

- Placing barriers between an uncooperative subject and an officer.
- Containing a threat.
- Moving from a position that exposes Officers to potential threats to a safer position.
- Reducing exposure to a potential threat using distance, cover or concealment.
- Communication from a safe position intended to gain the subject’s compliance, using verbal persuasion, advisements or warnings.
- Avoidance of physical confrontation, unless immediately necessary (e.g. to protect someone or stop dangerous behavior)
- Using verbal techniques to calm an agitated subject and promote rational decision making.
- Calling additional resources to assist, including but not limited to a Supervisor, more Officers, and Officers equipped with less-lethal tools.

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| 105:4 Use of Force Training |
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105:41 Newly Appointed Personnel

105:411 Officers Prior to Assignment

All newly appointed officers shall receive the following training prior to receiving their first assignments:

- Use of Force;
- Handcuffing;
- Principles of Subject Control;
- Impact Weapons;
- Chemical Agents;
- Use of Deadly Force; and
- Firearms, to include on-duty and off-duty handguns and long guns.
- Training in de-escalation tactics.

105:412 Community Service Officers and Reserves Prior to First Assignment

Community service officers and Reserves shall receive the following training prior to their first assignment:

- Use of Force;
- Handcuffing;
- Subject Control;
- Impact Weapons; and
- Chemical Agents.

105:42 Annual In-Service Training

105:421 Officers

Officers shall receive, at least annually, refresher training in the following subjects:

- Firearms, consistent with the firearms policy;
- Use of Force;
- Use of Deadly Force;
- Principles of Subject Control;
- Handcuffing;
- Electronic Control Devices
- Impact Weapons;
- Less Lethal Weapons; and
- Chemical Agents.
- Training in de-escalation tactics

105:422 Community Service Officers, Reserves

Community Service Officers shall receive, at least annually, refresher training in the following subjects:

- Use of Force;
- Subject Control;
- Handcuffing;
- Electronic Control Devices
- Impact Weapons (if applicable); and
- Chemical Agents.

105:5 Use-of-Force Reporting**105:51 Initial Complaint Report (ICR)**

The Initial Complaint Report (ICR) shall be used to report a force encounter where the employee(s) used a force option greater than *escort*.

105:52 Chain of Command

The normal chain of command shall be used in reporting *use-of-force* incidents, with the appropriate shift supervisor being notified immediately. Supervisors should automatically respond to any call involving a weapon, mental health problem or potential use of force incident.

105:53 Timeliness

Written reports shall be prepared by all employees involved prior to going off duty, unless otherwise approved by the shift supervisor or the police administration.

105:6 Investigations of Use of Force**105:61 Investigative Assignment**

A formal investigation of all serious incidents shall be conducted at the direction of the Chief.

Use of force resulting in significant injury shall be investigated by an outside law enforcement agency.

BY ORDER OF:

Scott Nadeau, Chief of Police

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