

## 5-300.00 Use of Force and Deadly Force

Minnesota Statutes 626.8452  
(12/2020)

### **PURPOSE**

It is the policy of the Goodview 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.

### **POLICY**

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.

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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.

Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.

#### **DEFINITIONS**

- A. Bodily Harm: 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. 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.
- E. 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.
- F. 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.
- G. 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:

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

#### **PROCEDURE**

##### A. General Provisions

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.

##### A. Duty to Intercede

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

- a. 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
- b. physically or verbally able to do so

##### A. 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.

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#### B. 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.

#### C. 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.

#### F. 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, or;
  - 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.

#### G. Use of Deadly Force

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1. 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;
  - A. To protect the peace officer or another from death or great bodily harm, provided that the threat:
    - i. can be articulated with specificity by the law enforcement officer;
    - ii. is reasonably likely to occur absent action by the law enforcement officer; and
    - iii. must be addressed through the use of deadly force without unreasonable delay; or
  - B. 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.
2. 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).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

#### WARNING SHOTS

Warning shots shall not be fired at any time!

#### H. Training

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

#### A. Recordkeeping Requirements

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

#### IN-SERVICE USE OF FORCE LEARNING OBJECTIVES FOR PEACE OFFICERS AND PART-TIME PEACE OFFICERS

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#### INTRODUCTION

The following learning objectives have been developed to assist law enforcement agencies in providing use of force continuing education to officers. Pursuant to MN STAT 626.8452 this training must be provided to all peace officers and part-time peace officers annually and each officer is required to receive instruction relative only to weapons and equipment the officer is issued or authorized to use. The term annually has been defined by the POST Board to mean at least once per calendar year.

There are many formats for delivering continuing education. Agencies are encouraged to explore creative and co-operative means of providing this education. Each law enforcement agency must determine minimum competency levels appropriate for agency personnel and nothing in these objectives prohibits an agency from developing additional objectives, or setting higher standards. Agencies are also encouraged to submit suggestions for revisions to these objectives to the POST Board.

#### A. USE OF FORCE

General learning goal: The officer will explain the criteria that are used to determine when force may be employed, the circumstances that justify the use of deadly force, and the liabilities attached to the use of force.

Performance Objectives:

1. The officer will identify the four instances in which MN STAT 609.06 subd. 1(a)-(d) authorizes a public officer to use reasonable force.
2. The officer will demonstrate familiarity with the agency's policies concerning the use of deadly force.
3. The officer will explain why MN STATS 629.32 and 629.33 are relevant to use of force.
4. The officer will explain the concept of objectively reasonable use of force by peace officers and factors that influence the tool, technique or tactic an officer may choose to use in a situation. The following concepts will be discussed:
  - a. Verbal skills.
  - b. Empty hand techniques.
  - c. Intermediate weapons.
  - d. Deadly Force.
  - e. Totality of the circumstances.

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5. The officer will explain how, normally less lethal techniques and weapons may become lethal.
6. The officer will demonstrate knowledge of the circumstances under which a peace officer may use deadly force under MN STAT 609.066.
7. The officer will demonstrate familiarity with the agency's policies concerning the use of force.
8. The officer will explain the civil, criminal, licensing, and employment consequences of unlawful or unreasonable use of force.

#### B. READINESS ASPECTS OF USE OF FORCE

General learning goal: The officer will explain the importance of mental and physical readiness, and emotional trauma.

Performance Objectives:

1. The officer will explain how extremely stressful situations will affect physical and mental functioning. The explanation must cover the following.
  - a) Breathing and circulation.
  - b) Changes in sensory perception.
  - c) Changes in motor skills.
  - d) Physical trauma
2. The officer will identify the symptoms of and discuss the need for evaluating and treating their effects, to include:
  - a) Sleep disturbances.
  - b) Emotional distancing.
  - c) Hyper-alertness or exaggerated startle response.
  - d) Memory impairment or trouble concentrating.
  - e) Inability to express feelings.
3. The officer will explain the agency's response to officers involved in deadly force and other critical incidents.
4. The officer will explain the concept of "post-shooting trauma" that people can have varying responses when force, including deadly force, is applied.

#### C. VERBAL AND NON-VERBAL COMMUNICATION STRATEGIES



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General Learning Goal: The officer will explain the importance of and demonstrate proficiency in integrating communication skills where safe and feasible along with tactical de-escalation strategies in volatile situations.

Performance Objectives:

1. The officer will understand the importance of the following areas:
  - a) Active listening and verbalization/command skills
  - b) Use of volume, pitch and pace.
  - c) Contextual or non-verbal communication: body language.
  - d) Lack of compliance considerations: Medical conditions, mental impairment, physical limitations, language barrier, behavior crisis, drugs or alcohol use.
  - e) De-escalation/conflict management strategies: when safe and feasible, barriers, containment, communication, limiting exposure, distance, and other tactics to reduce the need for force.

#### D. PROFICIENCY WITH UNARMED CONTROL MEASURES

General learning goal: The officer will demonstrate proficiency and explain the importance of unarmed control measures which are authorized by the officer's agency.

Performance Objectives:

1. The officer will demonstrate proficiency in the following areas:
  - a) Handcuffing techniques (and other restraining devices) from positions: prone, standing, kneeling.
  - b) Weapon retention-authorized firearms (in and out of holster) and other agency approved equipment including electronic control weapons.
  - c) Empty hand techniques.
  - d) Integration of empty hand techniques and weapons systems to include weapon transitioning and weapon retention.

#### E. PROFICIENCY WITH INTERMEDIATE FORCE WEAPONS

General learning goal: The officer will discuss and demonstrate proficiency with the various intermediate weapons used by the agency.

Performance Objectives:

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1. If the officer is issued or authorized to carry or use chemical aerosols, impact weapons, specialty impact munitions, electronic weapons, or other intermediate weapons, the officer will demonstrate proficiency in the use of these weapons consistent with agency policy(s).
2. Discuss the impact of low light and adverse weather conditions on the use of intermediate weapons.

#### F. PRINCIPLES OF FIREARMS USE

General learning goal: During the course of practical firearms training, (sections F and G) the officer will demonstrate knowledge of firearms safety, firearms maintenance, handgun shooting principles and familiarization with authorized firearms. This training will be consistent with agency policies and individual officer assignments.

##### Performance Objectives:

1. The officer will demonstrate safe handling of all firearms used during training. This will include:
  - a) Safely and correctly loading and unloading the firearms.
  - b) Safely and correctly holstering and drawing the firearms.
  - c) Safely and correctly clearing malfunctions.
  - d) Safely and correctly maintaining authorized firearms.
2. The officer will describe the various methods of handling and storing firearms while off-duty in compliance with MN STAT 609.666. The need for security of firearms kept in the officer's home will also be explained.
3. The officer will identify authorized firearms categories and corresponding ammunition utilized by the agency.
4. The officer will explain situations in which use of the weak hand may be required.
5. The officer will explain the circumstances that justify the use of deadly force by peace officers.

#### G. HANDGUN RANGE EXERCISES

General learning goal: Any officer who is issued or is authorized to carry a handgun, will effectively and safely utilize the authorized handgun(s) on a qualification course of fire.

##### Performance Objectives:

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1. The officer will demonstrate effective techniques in the following areas:
  - a) Close encounter shooting.
  - b) Shooting from cover.
  - c) Reloading Techniques.
  - d) Weapon/reaction hand shooting.
2. The officer will fire a qualification course consisting of no less than 50 rounds. The course of fire may be conducted with duty ammunition, or with lead free, frangible, or non-toxic ammunition that has ballistic performance similar to the issued service ammunition.
3. During the course of fire, the officer will fire from close, medium and long range. Close range means less than 7 yards; medium range means 7 to 14 yards; and long range means 15 to 25 yards (Suggested use of ammunition allotment: 50% at close range; 40% at medium range and 10% at longrange.)
4. The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.

#### H. OTHER FIREARMS RANGE EXERCISES

General learning goal: Any officer who is authorized to use other firearms (shotgun, rifle, etc.) will effectively and safely utilize these firearms in a qualification course of fire.

Performance Objectives: Shotgun

1. Given a qualification course of fire, the officer will successfully complete the following:
  - a) The officer will fire the weapon at various distances, using various shooting positions.
  - b) The officer shall consider the projectile spread and background beyond the area of the immediate threat when making the decision to select the shotgun or other authorized firearm.
  - c) During this exercise, the officer may use duty ammunition, or ammunition that has ballistic performance similar to the issued service ammunition. It is recommended that officers' duty ammunition, if not expended during the yearly course of fire, be replaced at least every two years.
  - d) The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.

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- e) The officer will fire a minimum of 10 rounds during this exercise.

Performance Objectives: Rifle

- a) The officer will fire the weapon at various distances, using various shooting positions.
- b) The officer shall consider distance and shot accuracy when selecting the rifle or other authorized firearm.
- c) During this exercise, the officer may use duty ammunition or ammunition that has ballistic performance similar to the issued duty ammunition. It is recommended that the officer's duty ammunition be replaced every two years.
- d) The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.
- e) The officer will fire a minimum of 20 rounds during this exercise.

I. FIREARM SELECTION

General learning goal: The officer will identify the situations and considerations involved in determining which firearm (handgun or other firearm) is appropriate in various tactical situations.

Performance Objectives:

1. The officer will identify important considerations when deciding which firearm should be used in a tactical situation, to include:
  - a) The physical environment.
  - b) The number of suspect(s).
  - c) The weapons available to suspect(s).
  - d) The presence of bystanders, hostages, or other innocent persons.
  - e) The presence and deployment of assisting officers.
  - f) The officer's level of training with authorized weapons.
  - g) The firearms policy of the agency.
  - h) The potential for ricochet, projectile pattern and projectile penetration.
  
2. The officer will describe and compare the recognized or effective range of various firearms authorized by the agency.

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J. USE OF FIREARMS IN LOW LIGHT AND IN ADVERSE WEATHER

General learning goal: The officer will demonstrate the ability to effectively fire their authorized weapons to include handgun, rifle and shotgun in low light and in adverse weather conditions.

Performance Objectives:

1. The officer will demonstrate the ability to effectively use weapon light systems or other illumination devices in low light conditions.
  - a) Muzzle flash.
  - b) Target identification.
  - c) Target accuracy.
  
2. The officer will demonstrate the ability to respond to the tactical considerations associated with adverse weather conditions:
  - a) Firearm malfunction.
  - b) Firearm control.
  - c) Use of gloves.
  - d) Reduced mobility in drawing and firing the weapon wearing heavy clothing.

Impact of cold weather in reducing motor function of the extremities