

19 - Use of Force Policy

19-100 USE OF FORCE

19-101 Purpose

To provide officers of the University of Minnesota Duluth Police Department 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.

It is the policy of the University of Minnesota Duluth Police Department 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.

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 19-300 is effective March 1, 2021, and thereafter.

19-200 DEFINITIONS

Use of Force: An intentional, direct or indirect, bodily contact that causes pain or injury or restricts movement of another. Forewarning such contact also constitutes force. This includes, but is not limited to:

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain, produces injury, or restricts movement of another;
- Any physical strike to any part of the body of another;

- Any physical contact or forewarning of contact by the officer or a weapon that causes or threatens to cause pain or injury to another;
- Any physical contact or forewarning of physical contact by the officer that results in restraint or physical manipulation of the physical movement of another;
- Unholstering or displaying a weapon, when engaged with a subject or subjects.

Bodily Harm: Physical pain or injury.

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.

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.

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.

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.

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.

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:

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

Contact Weapons: Devices which are used, or are designed to be used, to apply force to the person of another by coming into physical contact with that person.

Chemical Agents: Chemical irritants, including: CN/Chloracetophenone, CS/Orthochlorobenzalmalononitrile, OC/Oleoresin Capsicum, or combinations of the aforementioned chemical agents.

Electronic Incapacitation Devices: A portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. Per Minnesota Statute 62A.731, Sub. 1(b), Electronic incapacitation device does

not include cattle prods, electric fences, or other electric devices, which are used in agricultural, animal husbandry, or food production activities.

19-300 GENERAL PROVISIONS

Use of physical force should be discontinued when resistance ceases or when the incident is under control.

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.

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.

All uses of force shall be documented and investigated pursuant to this agency's policies.

19-400 DE-ESCALATION

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.

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.

19-500 USE OF OTHER THAN DEADLY FORCE

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:

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

In determining the degree of force that is reasonable under the circumstances, officers should consider:

- the severity of the crime at issue;
- whether the suspect poses an immediate threat to the safety of the officers or others; or
- whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

19-600 USE OF DEADLY FORCE

An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply:

- To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - can be articulated with specificity by the law enforcement officer;
 - is reasonably likely to occur absent action by the law enforcement officer; and
 - must be addressed through the use of deadly force without unreasonable delay; or
- 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 above threat criteria unless immediately apprehended.

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 above threat criteria.

Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

19-700 GENERAL RULES GOVERNING USE OF FORCE

- Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others.
- Officers will carry and use only approved devices, as that term is defined previously, unless circumstances exist which pose an imminent threat to the safety of the officer or the public requiring the immediate use of a non-approved weapon to counter such a threat.
- With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.
- Displays of Firearms: Firearms may be prepared for use in situations where it is reasonably anticipated that they may be required.
- Threatening the Use of Force: An officer may announce to another his or her intention to use only that type and degree of force which may reasonably be necessary under the circumstances. This provision should not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

19-800 POLICIES RELATED TO THE USE OF SPECIFIC WEAPONS

This section pertains to the firearms that UMDPD sworn officers are permitted to carry and use in the performance of their duties.

19-801 Authorized Firearms

Authorized duty firearms for UMDPD officers, issued and owned by UMDPD, are limited to:

- Smith & Wesson .45-caliber Military & Police (M&P) pistols with affixed night sights, as issued by department.
- 12-gauge shotguns owned and issued by department.
- AR-15 type .223 caliber patrol rifles.

The Department will furnish a duty weapon and appropriate ammunition for the authorized weapons. This shall be the only ammunition officers will use. The duty weapon and ammunition assigned to the officer remains the property of the department and shall be surrendered upon request.

Officers are permitted to carry one secondary handgun while on duty. The secondary handgun shall be of the brand and model authorized for use by UMDPD officers. The department will provide training and ammunition to officers for their secondary handguns.

UMDPD officers who qualify through UMDPD firearms training are allowed to use AR-15 type .223 caliber patrol rifles. These officers must qualify at least twice per year with these rifles meeting the qualification standards of UMDPD firearms training staff.

These rifles utilize department-issued ammunition only. They are to be carried in the patrol vehicle locked either in the trunk or in a locking rack specific to this firearm with the chamber empty.

Privately owned rifles are not authorized for use by UMDPD sworn personnel.

Rifles stored at UMDPD must be in a secured locker.

Sworn personnel who have successfully completed the UMDPD Field Training Program are permitted to carry their department-issued handgun while off-duty. Sworn personnel who have successfully completed the UMDPD Field Training Program may carry their secondary handgun while off-duty as well. Any department-issued or secondary firearm the officer chooses to carry off-duty shall be examined and approved by UMDPD firearms training staff at the time of qualification. Firearms training staff may ask the officer to successfully complete a qualification course. The University of Minnesota Duluth Police Department assumes no liability for any officer using a handgun off-duty that has not been authorized and approved by the Director/designee and UMDPD firearms training staff.

It is the Department's responsibility to arrange for regular maintenance of all authorized, department-issued firearms carried and used by officers. Only UMDPD qualified armorers and the firearms' manufacturers are allowed to repair or modify Department authorized weapons.

19-802 Contact Weapons

Contact weapons may be used only in the following manner:

- To ward off blows or kicks from another person; or

- To strike another for the purpose of rendering that person temporarily incapacitated; or
- To restrain persons; or
- In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade

Contact weapons should be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted.

Officers striking another person with a contact weapon should avoid striking, if possible, bodily areas likely to result in serious injury or death unless deadly force is authorized under this section. These areas include the head, neck, throat, groin, armpits, and spine.

Officers striking another person with a contact weapon should, if possible, attempt to strike bodily areas likely to result only in a temporary incapacity. These areas include the arms, hands, and legs.

Unless deadly force is authorized under this policy, when striking another person with a contact weapon you should, if possible, avoid striking bodily areas likely to result in serious injuries or death. These areas include the head, neck, throat, and clavicle.

As an exception to the foregoing, officers confronted with an immediate threat to the safety of the officer or another may deliver strikes to the torso area of the attacker to create distance from the attacker or to repel the threat. Such strikes may be delivered with a closed baton or other contact weapon.

19-803 Chemical Agents

All officers must complete a training course in the use of chemical agents and shall carry the chemical agent while on duty. Effective January 1, 2023, sworn UMDPD personnel are required to obtain, carry, and use only Defense Technology MK3 (stream; non-flammable) brand chemical agent.

The provisions governing other than deadly force shall govern the use of chemical agents.

When feasible, exercise due care to reduce the chance of subjecting or spraying unintended persons. Chemical agents shall not be applied to any person for the purpose of punishment.

Decontamination, first aid, or medical attention, as appropriate, shall be provided to all persons sprayed with chemical agents.

19-804 Use of Electronic Control Devices (i.e. TASER)

Purpose

Establish guidelines for the use and training of the TASER.

Definitions

The TASER is a "Conducted Electrical Weapon" (CEW; so-called by its manufacturer) authorized in Minnesota by statute for use by police officers. See M.S.S. 624.731 subd.6.

The TASER is a "portable device, which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant. It does not include cattle

prods, electric fences, or other electric devices when used in agricultural, animal husbandry, or food production activities.” M.S.S. 624.731 subd.1(b).

The TASER is a hand-held, laser aimed battery operated unit. Voltage is delivered to a subject from direct contact or from two probes discharged from a cartridge connected to the unit by conductive wires. It delivers a low amperage/high voltage electrical charge that affects the neuromuscular system, resulting in temporary involuntary muscle contractions. The contractions should incapacitate the subject so that law enforcement officers can place them under control.

Department Authorization

Qualified uniformed sworn personnel will carry and be authorized to use the department approved TASER model as part of their police equipment. Sworn plainclothes personnel will carry the department approved TASER when it is anticipated that force may be necessary during a pre-planned arrest, search warrant, or other duty. TASER operators will receive (1) TASER , (1) holster, (1) battery and (1) air cartridge. Only “on-duty” certified officers will carry the TASER as part of their uniform in an approved holster, on the non-dominant side of the body. All spare TASERS and spare air cartridges will be stored in the UMDPD armory or other secured area inside UMDPD. Spare air cartridges will only be distributed through a TASER Instructor.

The use of electronic control devices will be subject to the provisions governing other than deadly force.

Only electronic devices that are authorized devices, as previously defined, will be used.

Application

The TASER may be used in situations where force is justified to control aggressive combative, and/or noncompliant subjects, and/or when lower levels of force have been tried or are not feasible, thereby reducing the likelihood of injury to officers, the subject, or others.

The TASER is a non-lethal/minimum impact weapon likely to have less lasting effects than chemical Weapons, closed hand or impact weapon tactics. The TASER is not a replacement for the firearm and shall not be used without firearm backup, when feasible, in those incidents where there is a threat of death or great bodily harm directed towards the Officer or others.

The TASER can be fired at a subject up to 25 feet away. When utilizing the TASER, Officers shall attempt to avoid probe placement in the soft tissue areas of the body such as the face, eyes, neck and genital areas. Optimal target areas should be considered as addressed at annual departmental TASER training.

The TASER may also be deployed by direct touch as a “drive stun.”

Safety Considerations

When feasible, the deploying officer/s shall announce to all other Officer/s on the scene that they are deploying the TASER.

The deploying officer will, when feasible, inform all other Officer/s on the scene when the TASER will be fired at the subject.

Officers will attempt to restrain and control the subject as soon as possible.

Used probes are considered biohazards and must be handled appropriately. This includes wearing protective gloves and using appropriate evidence containers.

Restricted Use

The TASER shall not be used:

- on a passive or compliant subject whose behavior is non-threatening to themselves or others;
- on restrained subjects unless their actions present immediate threat of bodily harm to the officer themselves, or others;
- in the presence of flammable fumes, liquids, or gases are known or likely;
- on women known to be pregnant unless all other means available, short of deadly force, have been used;
- on known minors or the elderly unless their actions present the immediate threat of death or bodily harm to the officer, themselves, or others;
- when the subject is in danger of falling from a significant height.

Medical Evaluation

Medical attention must be offered to all subjects where the TASER was deployed.

Officers must not overlook injuries that may have occurred from the subject falling from a standing position.

In removing the probes, officers shall wear medical gloves.

The puncture site shall be wiped with a sterile alcohol swab and an adhesive bandage applied to the site.

Medical personnel must remove probes that may have penetrated soft tissue areas and/or sensitive regions of the body (face, eyes, neck, genital areas, and female breast).

Officers may remove probes that have not penetrated soft tissue areas and which can be safely removed without causing further injury, or call for medical assistance.

Post-Use Requirements/Documentation

After the TASER is deployed, officers shall:

- locate the probes and wound site.
- sever insulated wires.
- photograph wound site prior to probe removal (with digital camera when available).
- remove probes, clean wound site with sterile alcohol swabs, photograph wound site a second time (with same digital camera) and place an adhesive bandage to the site.
- report back to UMDPD and print the digital camera photos.
- collect all portions of the used cartridge [spent cartridges, wires, probes (biohazard), and property inventory them at UMDPD.
- download pictures to the UPD drive, saved under that year's photo folder.
- prepare an Incident Report with photos included

Same-gender officers or medical staff should take photos, when appropriate, due to the location of the probe's impact in the soft tissue areas and/or sensitive regions of the body as describes above.

Officers are required to fully document the use of the TASER and its results in an Incident Report, a Use of Force Report*, and in a TASER Use Report for every deployment. In situations involving only the threatened deployment of a TASER, officers shall only complete a TASER Use Report.

Officers are required to complete a “TASER Use Report” for statistical purposes. The original “TASER Use Report” will be included with the original report and a copy of the “TASER Use Report” will be forwarded to a supervisor.

Officers are required to conduct a “function test” TASER prior to shift and ensure TASER is in proper working order. This test shall consist of a single trigger pull and subsequent 5-second cycle. If found not to be in proper working order, the TASER shall be turned in to a supervisor and a working replacement unit shall be temporarily issued.

Notification

The on-duty supervisor or Director/designee shall be notified as soon as possible whenever the TASER is used on a subject.

Training

Officers shall receive training from a certified TASER instructor.

Officers shall re-train with the TASER annually.

19-805 Use of Less Lethal Impact Projectile Weapons

UMDPD is committed to reducing the potential for violent confrontations within the scope of its mission. To that end, UMDPD authorizes the use of less lethal impact projectile weapons which, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

Definition of Less Lethal Impact Projectile Munitions and Weapon

Less lethal projectile munitions are extended range impact or chemical irritant projectiles designed to safely incapacitate potentially dangerous person/s from a distance that minimizes the danger to officers and citizens. Projectiles are fired or launched for the purpose of causing blunt trauma, sensory irritation which is used to encourage compliance and overcome resistance with a reduced likelihood of causing death. UMDPD authorizes the use of approved 40-millimeter (40mm) less lethal projectile weapons.

A less lethal impact projectile weapon is the firearm/launcher designed specifically for discharging said projectile munitions.

Training for Use

Only officers who are currently trained and certified in the proper use of less lethal impact munitions and weapons are authorized to employ them during actual field operations. The UMDPD Chief will be responsible for ensuring that sworn UMDPD officers are trained and certified in the proper use and deployment of less lethal impact munitions, by instructor/trainer certified by Minnesota POST to conduct such training and certification. All training and proficiency for use will be documented in each officer’s training file.

To maintain authorization to use less lethal impact munitions, sworn department members will be required to qualify for use by completing a less lethal munitions qualification course, which will be incorporated into departmental firearms qualification sessions or as needed.

Officers who fail to demonstrate proficiency with less lethal impact munitions and weapons or knowledge of this agency’s Use of Force Policy will be provided remedial training. If an officer cannot demonstrate said proficiency after remedial training, the officer will be restricted from carrying and using less lethal munitions and weapons and may be subject to discipline.

Carrying and Storage

UMDPD officers deploying less lethal impact munitions and weapons while on-duty shall ensure that the weapon itself is stored securely and unloaded in its onboard mounting apparatus within the squad vehicle used by the officer. Its munition rounds shall be stored securely and separately from the weapon.

Deployment and Use

Only department-approved less lethal impact munitions shall be carried and deployed. Approved less lethal impact munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved less lethal impact munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for employment of less lethal impact munitions include, but are not limited to, situations in which:

- the suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions;
- the suspect has made credible threats to harm him/herself or others;
- the suspect is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers;
- there is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

When possible and practical, spent rounds and casings should be recovered and placed into UMDPD evidence.

First Aid and Medical Assessment

In any case in which a subject is arrested or detained after being struck by less lethal impact munition round/s discharged by a UMDPD officer, UMDPD officer/s on-scene shall immediately render first aid to the subject as needed, and shall immediately summon paramedics to the scene to assess the subject for injuries caused by said discharged round/s or subsequent reaction.

First aid provided and summons of paramedics shall be documented by officers in related incident report, as shall the subject's compliance or refusal of either or both.

Factors to Consider for Use

Before discharging less lethal impact munitions, the officer should consider such factors as:

- Distance and angle to target;
- Type of munitions employed;
- Type and thickness of subject's clothing;
- The subject's proximity to others;
- The location of the subject;
- Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

Restrictions on Use

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

Unless their actions present the immediate threat of death or bodily harm to the officer, themselves, or others, less lethal impact munitions and weapons shall not be intentionally discharged at a subject's:

- head;
- neck;
- spine;
- groin.

Unless their actions present the immediate threat of death or bodily harm to the officer, themselves, or others, less lethal impact munitions and weapons shall not be used on:

- persons known to be pregnant;
- person holding or carrying a child;
- persons who are elderly and frail;
- persons who are restrained;
- persons under the age of 18;
- persons passively resisting lawful law enforcement action;
- persons positioned in a such way that endangers them from falling from significant height.

Reporting Use of Less Lethal Impact Projectile Weapons

Any use of less lethal impact projectile/s shall be reported to a UMDPD supervisor and Chief/designee as soon as is practical by the employing officer or by another officer with knowledge of the incident.

Any application of less lethal impact projectile/s listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

A supervisor or the senior officer involved in the incident shall ensure that the subject and his/her injuries resulting from use of less lethal impact munitions are photographed. The photographs shall be attached to and documented in the incident report.

19-806 USE OF CHEMICAL MUNITIONS DURING CIVIL DISTURBANCES

Purpose and Scope

This policy provides guidance for responding with chemical munitions in response to civil disturbances.

Policy

A civil disturbance is acts of violence and disorder prejudicial to the public law and order. It includes acts such as riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders prejudicial to public law and order. Civil disturbances are unique situations that often require special

planning and tactics to bring an unlawful situation under control. The on-scene Incident Commander shall evaluate the overall situation and determine if chemical munitions are reasonable force option to accomplish public safety objectives. The Incident Commander will receive authorization from the Director/designee prior to deploying chemical weapons. Unless there is an immediate need to protect oneself or another from immediate physical harm, officers should refrain from deploying any chemical munitions upon any individuals involved in a civil disturbance until it has been authorized by the Director/designee.

Use of Chemical Munitions/Tear Gas

Chemical munitions or tear gas shall only be used by trained personnel. Only the will Director/designee may authorize the deployment of chemical munitions or tear gas, and only after evaluating conditions known at the time and determining that such force reasonably appears justified and necessary.

The department approved Chemical munitions/tear gas is considered a non-lethal use of force. The use of a Chemical munitions/tear gas shall be consistent with current department training and policies governing the use of force.

Chemical munitions/tear gas, regardless of delivery system, shall only be used against subjects under the following circumstances:

- To bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent or riotous behavior;
- The subject/s behavior is a significant threat to him/herself or others;
- The subject/s is actively damaging property.

Chemical munitions/tear gas will not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public unless approved by the Director/designee.

When practicable, the fire department or emergency medical services (EMS) should be alerted or summoned to the scene prior to the deployment of chemical munitions to control any fires and to assist in providing medical aid.

When possible, the Incident Commander will issue warnings and dispersal orders prior to the use of chemical munitions. Warnings will be documented via squad camera, or announced over radio that the warnings were issued.

After the scene is secured, UMDPD personnel shall remove and dispose of any canisters in the area.

Chemical Munitions Safety Procedures

Officers will inspect munitions prior to deployment in the field to ensure that they are of the approved type and appear to be free from defects. When deploying in the field, the officer shall visually inspect the munition being used to ensure that it is the intended type to be used. Absent compelling circumstances, officers will employ the two-person rule for deployment. The two-person rule is a safety measure in which a second officer visually inspects the munition/s to be used prior to deployment to ensure proper munitions selection.

OC/Tear Gas Canisters

Canisters of chemical irritants may only be deployed for carry or use during, or in anticipation of, a civil disturbance. Canisters maybe deployed at the discretion of the Incident Commander. The use of OC/tear gas canisters shall be consistent with department training and policies governing the use of force.

Reporting Use of Chemical Munitions/Tear Gas

Each deployment of chemical munitions/tear gas shall be documented in a police report. Instances of multiple deployments during a single event shall be considered a single deployment for documentation purposes. Only non-incident use of munitions, such as training and product demonstrations, is exempt from the reporting requirement.

Post Exposure Treatment/Medical Aid

Post exposure medical treatment (first aid) for a person/s that have been exposed to chemical munitions shall include one or more of the following:

- Removing the affected subject/s from the area of exposure;
- Exposing the affected subject/s to fresh air;
- Providing the subject/s with clean water to cleanse the affected areas;
- Request EMS response for subjects who complain of further severe effects.

When practicable, injuries to exposed person/s will be photographed for inclusion in incident report.

19-900 USE OF CERTAIN TYPES OF FORCE

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:

- Use of choke holds;
- Tying all of a person's limbs together behind a person's back to render the person immobile, and;
- Securing a person in any way that results in transporting the person face down in a vehicle.

Less than lethal measures must be considered by the officer prior to applying these measures.

19-1000 ISSUANCE OF WARNINGS

19-1001 Prior to Use of Force

When feasible, officers shall give warning before using or attempting to use deadly force or other than deadly force.

19-1002 Warning Shots Prohibited

While officers may ready firearms or less lethal impact projectile weapons for use in situations where it is reasonably anticipated that they may come into use, *discharging a firearm or less lethal impact projectile munitions for the purpose of a "warning shot" is prohibited.*

19-1100 REPORTING REQUIREMENTS

Whenever a police contact results in use of force as defined in this policy, the circumstances shall be documented. The officer/s shall document the use of force in the narrative section of the Incident Report and/or statement. Officer/s shall submit the reports to immediate supervisor for review.

An officer using deadly or other than deadly force will, in all instances, prepare a Use of Force Report*in addition to all other reports concerning the incident. The Director/designee or a supervisor may suspend the application of this provision where an otherwise complete investigation of the incident will be undertaken.

The Director/designee or a supervisor will review all incidents involving the use of force with all officers involved and make additional inquiries, if necessary, to determine whether the use of force was in compliance with this policy and other policies that might be relevant to the incident.

The Director/designee or supervisor will make an endorsement upon the Use of Force Report*in specifying the details of that determination, which will include any additional facts not specified in the report that are relevant to the Director/designee, officer's, or supervisor's determination.

The Director/designee will designate an officer to review all use of force incidents in which the Director/designee is personally involved, and all Use of Force Reports* in which the Director/designee will personally prepare in accordance with this section. The officer so designated will review each incident the manner described in the previous section.

If the results of review and investigation of a forceful encounter indicate a violation of this policy or other policies that might be relevant to the incident, then a copy of the report and any Director/designee or supervisor/s data shall be forwarded to the City/County Attorney for review, direction on further handling, and directions on dissemination of the report and Director/designee officer's, or supervisor/s data.

If the use of a firearm results in serious injury or death to another, the officer will be placed on Leave of Absence with Pay by the Director/designee. This assignment to Leave of Absence with Pay should not be interpreted to imply or indicate that the officer has acted improperly. The officer shall see a person who has knowledge and expertise in post-trauma stress reactions within 48 hours of the incident.

**Electronic version of UMDPD Use of Force Report is stored on department computer drive and is accessible by all officers.*

19-1200 USE OF FORCE TRAINING

All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.

In addition, training shall be provided on a regular and periodic basis and designed to:

- Provide techniques for the use of and reinforce the importance of de-escalation;
- Simulate actual shooting situations and conditions; and
- Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

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.

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.

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.

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

19-1201 Recordkeeping Requirements

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

19-1300 DUTY TO INTERCEDE AND REPORT

Effective July 29, 2020, UMDPD officers must, without regard to rank or tenure, intercede when another officer uses force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances, and the officer is physically or verbally able to do so.

This policy is not limited to situations in which an officer from UMDPD is observed to be using excessive force; UMDPD officers are required to take such action regardless of the agency by which the user of the force is employed.

In addition, 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.