

Use of Force

301.1 PURPOSE AND SCOPE

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 office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

It is the policy of the Carver County Sheriff's office 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.

301.2 POLICY

It is the policy of the Carver County Sheriff's Office 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

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

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.

301.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

301.2.2 ADDITIONAL REQUIREMENTS

A deputy reporting a use of force by another law enforcement officer or member pursuant to this policy shall also make the report in writing to the Sheriff within 24 hours (Minn. Stat. § 626.8475).

301.3 DEFINITIONS

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

Bodily Harm : Physical pain or injury

Deadly Force : force used by a deputy that the deputy 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.

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.

Authorized Device : a device an officer has received permission from the agency to carry and use in the discharge of that deputies duties, and for which the deputy 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.

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

Aerosol Irritant Projector (AIP) : A hand-held device that delivers a chemical agent to a specific target.

Canine : A specially trained police canine.

Control : The force necessary to influence or neutralize the actions(s) of another.

Conducted Electrical Weapon (CEW) : A device designed to incapacitate an individual from a safe distance using battery supplied electrical energy to override an individual's voluntary motor skills.

Field Activities : Duty assignments or tasks that place, or could reasonably be expected to place, deputies in situations where they would be required to act in enforcement rather than administrative or support capabilities.

Less Lethal Force : Any use of force other than that defined as deadly force under state statute.

Non-Traditional Weapons : Any item used as a weapon, outside of its intended purpose.

Police Baton : A defensive law enforcement impact device.

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.

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.

301.4 PROCEDURE

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.

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

301.4.1 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.

301.4.2 USE OF CERTAIN TYPES OF FORCE

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:

- can be articulated with specificity;
- 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

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.

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

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

301.4.3 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.

301.6 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies 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.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies 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.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

301.6.1 USE OF FORCE TO EFFECT AN ARREST

A deputy may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

- (a) In effecting a lawful arrest.
- (b) In the execution of a legal process.
- (c) In enforcing an order of the court.
- (d) In executing any other duty imposed by law.
- (e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

- (f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
- (g) In self-defense or defense of another.

A deputy who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such deputy 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.

301.6.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

301.6.3 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Deputies may not use any of the following restraints unless the use of deadly force is authorized (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

- (a) A chokehold. For purposes of this policy, a chokehold only refers to the method of applying sufficient pressure to an individual 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.
 1. If applied, a chokehold is subject to the same guidelines and requirements as a carotid control hold.
- (b) Tying all of an individual's limbs together behind the person's back to render the person immobile.
- (c) Securing an individual in any way that results in transporting the person face down in a vehicle.

301.7 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable deputy would believe, based on the totality of the circumstances known to the deputy at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

- (a) To protect the deputy or another from death or great bodily harm.
- (b) To effect the arrest or capture, or prevent the escape, of an individual whom the deputy knows or has reasonable grounds to believe has committed or attempted to commit a felony and the deputy reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

In both scenarios, the use of deadly force is only authorized provided that the threat (Minn. Stat. § 609.066):

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the deputy.
- Must be addressed through the use of deadly force without unreasonable delay.

A deputy shall not use deadly force against an individual based on the danger the individual poses to self unless the use of deadly force is justified (Minn. Stat. § 609.066).

Additionally, a deputy should not use deadly force against a person whose actions are a threat solely to property.

301.7.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

301.8 DISCHARGE OF FIREARMS

A) Warning shots are prohibited.

B) If feasible, an officer should give a verbal warning before using or attempting to use deadly force.

C) A firearm may be discharged when deadly force is not directed at another person if its purpose is:

(a) To kill an animal that is dangerous, sick or injured, or to permit the humane removal of the animal from suffering when another disposition is impractical; or

(b) For practice.

301.8.1 DOCUMENTATION OF FIREARM DISCHARGE

A) A deputy who discharges a firearm shall file a written report describing the circumstances of the incident, except when the firearm usage was during practice at an approved firearms range or animal disposal. In an officer involved shooting, the officer's statement to the investigative agency shall constitute the officer's report.

B) If the deputy who discharged the firearm is hospitalized or injured and is incapable of filing the report, the deputy's immediate supervisor shall file a report that details the available facts of the incident as soon as reasonably possible.

C) Whenever a deputy discharges a firearm in the course of duty, other than during training/practice or animal disposal, the Sheriff's Office shall file a report with the Commissioner of Public Safety within 30 days of the incident.

301.8.2 INVESTIGATION OF FIREARM DISCHARGE

A) Each discharge of a firearm shall be investigated by the Sheriff's designee, except when the discharge was for animal disposal or at an approved firearms range.

B) After conducting a thorough, objective investigation of the circumstances involving the discharge of a firearm, the designee shall submit a detailed report to the Sheriff describing the facts of the incident.

301.9 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

301.9.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

301.9.2 STATE REPORTING REQUIREMENTS

The Sheriff shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

There may be additional reporting requirements regarding misconduct (see the Standards of Conduct Policy) (Minn. Stat. § 626.8457).

301.10 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

witnessed by another deputy 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.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy 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 deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

301.11 USE OF FORCE CONTINUUM

The Sheriff's Office Use of Force Continuum (See 301.13) is used as a guideline for officers to follow when determining what level of force is necessary and appropriate.

Peace Officers shall attempt to de-escalate situations that do not pose an immediate threat to human life. When reasonable, Officers shall make every effort to de-escalate the situation, without regard to time constraints, to avoid injury or death.

[See attachment: Use of Force Continuum 1 COLOR.pdf](#)

[See attachment: Use of Force Continuum 2 COLOR.pdf](#)

301.12 TRAINING

Deputies shall receive training on this policy, including the learning objectives as provided by the Board of Peace Officer Standards and Training (POST), and demonstrate their knowledge and understanding at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

301.12.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Warrior-style training, as defined in Minn. Stat. § 626.8434, whether provided directly by the Office or through a third party, is prohibited (Minn. Stat. § 626.8434).

301.12.2 TRAINING

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

Carver County Sheriff's Office

Law Enforcement Services Manual

Use of Force

- Provide techniques for the use of and reinforce the importance of de-escalation and alternatives to use of force
- Provide legal updates
- Express the importance of the duty to intercede when deemed necessary
- Express the importance of the duty to request and / or render medical aid
- Simulate actual shooting situations and conditions; and
- Enhance officers' discretion and judgment 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.

301.13 RECORD KEEPING REQUIREMENTS

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

301.14 REFERENCE

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.

301.15 POLICY REVIEW

The Sheriff or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

Attachments

Use of Force Continuum 1 COLOR.pdf

Sheriff's Office Use of Force Continuum

Subject's Actions	Officer's Response
Takes action or assaults with a weapon that is capable of causing death and/or great bodily harm	Firearm, vehicle or other measures that could result in death and/or great bodily harm. <i>Verbal Commands when possible</i>
Aggressive assault that is likely to cause substantial bodily harm and/or bodily harm	Impact weapons, canine bite, punches, kicks, takedowns directed at the skeletal structure, CEW <i>Verbal Commands when possible</i>
Active resistance, exhibits resistive movements to avoid physical control	Stunning techniques, takedowns, canine deployment <i>Verbal commands when possible</i>
Passive resistance, fails to respond or comply to verbal commands	Control techniques, aerosol irritant projector (AIP), pressure point techniques, pain compliance <i>Verbal Commands when possible</i>
Compliance, cooperation	Presence, escort, dialog, restraints

Totality of Circumstances

Officer Subject Factors

Age
Sex
Size
Skill Level
Multiple Officers or Subjects

Goal = Control of Subject

Officer needs *advantage* to gain control

Special Circumstances

Close proximity to a weapon
Special Knowledge
Injury or Exhaustion
Ground Position
Imminent Danger

Not 50/50 = Lose for Officer

Officer must always weigh propensity for control versus propensity for injury

The ability for the Officer to disengage or escalate is imperative

Use of Force Continuum 2 COLOR.pdf

Sheriff's Office Use of Force Continuum

Subject

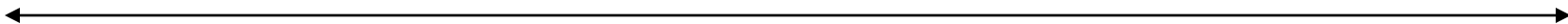
Compliance Passive Resistive Active Resistive Aggressive Resistive Action Causing Death
GBH

Force Category

Dialog Soft Hands Pain Compliance Hard Hands Deadly Force

Force Techniques

Presence Escort	Restraints	Control Techniques AIP	Pressure Points Pain Compliance	Stunning Techniques Takedowns	Impact Weapon Punches CEW	Vehicle/Firearm Actions that could result in Death/GBH
Verbal Commands		Canine Deployment	Verbal Commands	Canine Bite	Extended Range Impact Weapon	Verbal Commands



Officer subject factors and special circumstances must be taken into consideration when determining which force technique to use.