

HIBBING POLICE DEPARTMENT

Effective Date <i>September 1, 2019</i>	Revision Dates <i>February 12, 2021</i>	Policy Number <i>1</i>
Subject <i>USE OF FORCE, FIREARMS AND NON-DEADLY WEAPONS</i>		Number of Pages <i>8</i>

I. Purpose

It is the policy of the Hibbing 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.

II. Policy

It is the policy of the Hibbing 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 (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.

III. Definitions

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

IV. Procedures

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.

B) 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

C) 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.

D) 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.

E) 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

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;
- 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.

4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.
(2/12/21)

H) Training

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. A police officer who has taken extended leave or suffered an illness or injury that could affect their use of firearms ability will be required to re-qualify before returning to enforcement duties

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. The following devices are authorized by this agency: chemical agent, expandable baton, and the X-26P Taser.

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.

I) Recordkeeping Requirements

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

Parameters:

A.

Police officers shall adhere to the following restrictions when their weapon is exhibited:

1. Except for maintenance or during training, police shall not draw or exhibit their firearm unless circumstances create reasonable belief that it may be necessary to use the weapon in conformance with this policy.
2. Warning shots are prohibited.
3. Officers shall not fire at or from a moving vehicle unless the use of deadly force is authorized and circumstances exist which necessitate a deviation from this standard.

B. A police officer may also discharge a weapon under the following circumstances:

1. During range practice, qualification, or competitive sporting events.
2. To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured.

Protracted force encounters jeopardize the safety of the public, law enforcement personnel and the person being arrested or captured. Accordingly, an officer should use discretion to determine reasonable force options to bring a subject under control. This policy should not be construed to require officers to first attempt using types and degrees of force that reasonably appear to be inadequate to accomplish the intended objective.

FIREARMS

A ON DUTY

A. Authorized Handguns:

Semi-Auto

-The following are currently approved for use as duty weapons for the Hibbing Police Department. Any additions or deletions to the list of authorized weapons will be made by the Chief, Deputy Chief or the Firearms Instructor acting under the direction of the Chief.

-Smith & Wesson – Beretta – Sig Sauer – Ruger - Glock -Springfield - Kimber model 1911

The duty weapon must have a minimum barrel length of 2" inches. The Department issued

Firearms will not be altered, modified, or changed in any way unless approved by the Chief and Firearms Instructor. Personally owned weapons shall be maintained to factory specifications unless approved by the Chief and Firearms Instructor. With approval by the Chief and Firearms Instructor modifications can include weapon mounted lights, grips, lasers, optics and extended mags. The stocks on personally owned weapons may be changed as long as they don't interfere with the function of the weapon and may be used ambidextrously. Sights on personally owned firearms may also be changed. All other changes to personally owned firearms must be done with the approval of the Firearms Instructor.

Duty Ammunition

Federal Hydro-Shock (or equivalent in style and authorized by firearms instructor)

Leather Gear for Uniformed Officers

- Leather or leather like products currently on the market
- Black in color
- Either plain or basket weave
- Style must be approved by the Firearms Instructor
- Holster must have a thumb break fastener or similar retention mechanism.

Magazine Capacity Requirements

- Must be authorized magazines to be used in the weapon. (No aftermarket magazines)

B. Secondary Handguns:

Secondary handguns must be concealed at all times. Officers may carry a secondary handgun provided:

- the handgun has been inspected and approved by the Firearms Instructor;
- the officer qualifies with a handgun prior to carrying it on duty, and semi-annually thereafter;
- the handgun is loaded with Department issued ammunition; and
- the handgun has been approved by and registered with the Chief or Firearms Instructor.

C. Shotguns/AR15:

Marked squads are equipped with either a 12-gauge Remington shotgun or AR15. All officers must qualify annually with these weapons meeting the standards established by the Firearms Coordinator and approved by the Chief.

Shotguns will be carried & stored in the appropriate mounted racks, which will be kept in the locked position until such time that they are removed for authorized use or stored in a case in a locked vehicle. Shotguns will be loaded to their full capacity. The chamber will remain empty and the safety off. In the event a shotgun is fired, it is the responsibility of the officer who fired the weapon to replace the expended rounds, and replace fixed rounds as needed.

The AR15's will be carried and stored in the appropriate mounted racks. The racks will be kept in the locked position until such time that they are removed for authorized use or stored in a case in a locked vehicle. They will be kept in the mounts with an empty chamber, two fully loaded magazines, and the safety in the fire position.

If officers are assigned an AR15, they are to be maintained and cared for by departmental policy. An officer can modify the rifle within the firearms policy guideline or with permission from the firearms

instructor and at their own expense. Any modifications to a rifle will be removed in the event the officer leaves the department or retires.

At the beginning of their shift, officers will place their assigned AR15 in the proper rack in the squad car or stored in a case in a locked vehicle. Officers will remove the AR15 at the end of their shift and secure it in their locked locker in the police department. Officers may take their assigned AR15 rifle out of the police department for training purposes, but must properly secure it when it is not being used.

All officers are required to be trained in the use of all department long guns.

B OFF DUTY HANDGUNS

Officers may carry a handgun off duty at their own discretion provided:

- the officer qualifies with the handgun prior to carrying it off duty and semi-annually thereafter;
- the handgun is loaded with Department issued ammunition; and
- the handgun has been approved by and registered with the Chief and Firearms Instructor.
- the officer has completed the one-year probationary period or has a valid MN permit to carry in which only a personally owned firearm will be carried off duty.

Handguns carried off duty must be concealed at all times. Officers must not carry handguns, off duty, while consuming alcohol or being impaired by legally prescribed medication. Officers must exercise proper judgement and appropriate conduct.

C TRAINING

The Firearms Coordinator is responsible for semi-annual firearms training. Officers must qualify semi-annually with their primary handgun, shotgun, secondary handgun and/or off duty handgun, if any, and any other firearm which they are assigned to operate.

Police officers failing to receive a passing score with any duty weapon shall be relieved of their police powers and immediately reassigned to non-enforcement duties, until a passing score is achieved. A police officer shall not be permitted to carry or use any firearms he/she has not been able to qualify with during the most recent qualification period.

D CARE AND MAINTENANCE

Officers are responsible for the care and routine maintenance of their handgun(s). Any problems or malfunctions must be immediately reported to the individual's supervisor or the Firearms Coordinator. The Firearms Coordinator upon request will replace expended ammunition.

The routine cleaning and maintenance of Department armament, other than issued handguns, is the responsibility of the officer who fires the weapon.

NON-DEADLY WEAPONS

A CHEMICAL AGENT: (CN/Chloracetophenone, OC/Oleoresin Capsicum, SC/Orthochlorobenzalmalononitrile or combination of these agents)

Officers are issued chemical agents by the Department. The Defensive Tactics Instructors and Training Unit will determine the type and frequency of training necessary for officers concerning the use of chemical agents.

The provisions governing non deadly force will govern the use of chemical agents. Only approved chemical agents will be used.

- 1) Officers will exercise due care to ensure that only intended persons are sprayed or otherwise subject to application of chemical agents.
- 2) Chemical agents will not be applied to any person for the purpose of effecting punishment.
- 3) Any subject who has been sprayed with a chemical agent should be given the opportunity as soon as practical to flush the sprayed area with sufficient amounts of water to remove the chemical.
- 4) If severe or prolonged effects such as difficulty in breathing, chest pain or any other condition which the officer feels is serious exists, the person should be provided with medical attention.
- 5) Officers will notify others that the chemical agent has been deployed when possible.

B BATONS

Officers must be trained prior to carrying a baton. Expandable batons may be carried and are acquired at the officer's expense. Expandable batons must be black, non-aluminum, and a length of 18 to 26 inches.

Batons may only be used in the currently approved and instructed method. An intentional blow to the head or neck with a baton is considered to be deadly force by the Department.

C X-26P Axon TASER

Tasers will only be issued to and used by officers who have completed the Hibbing Police Department Taser training course and shall successfully complete a re-certification course annually.

As soon as possible the deploying officer shall inform the on-duty supervisor that the Taser has been deployed. The officer's written report must include pertinent facts relative to the use of the Taser and notification of a supervisor.

When the Taser has been deployed on the subject, first aid will be administered if necessary and officers must seek medical treatment if the subject requests or if necessary.

D Knives

Officers may carry a knife, whether a folding or fixed blade no longer than 6 inches in length, for utility purposes.

REPORTING AND REVIEW OF USE OF FORCE

The Department must evaluate all incidents of the use of force to protect the integrity of the Department and ensure compliance with State laws and Department policies.

A REPORTING THE USE OF FORCE

A written report must be prepared according to Department procedures in the following situations:

- when a firearm is discharged outside the firing range; or dispatching animals
- when a use of force results in, or is alleged to have resulted in death or injury; or
- when a non-deadly weapon is used on a person.