



Chapter 3 - General Operations

Section 300 - Use of Force

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Policy 300 Grand Rapids Police Department

Use of Force

300.1 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 department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

It is the purpose of this policy of the Grand Rapids 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.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily Harm: Physical pain or injury.

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.

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.

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.

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..

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Less Lethal Force - Any use of force other than that which is considered deadly force.

Use of Force Continuum - A description of force options including Officer Presence, Verbalization, Empty-Hand Control, Less Lethal and Lethal Force.

Vascular Neck Restraint - A physical maneuver in which a person applies pressure to vascular arteries in the neck to temporarily cut off blood flow to the brain, rendering a person unconscious.

300.2 POLICY

It is the policy of the Grand Rapids 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 engaged in the discharge of official duties.

300.2.1 DUTY TO INTERCEDE

Regardless of tenure or rank, every officer must intercede to prevent the use of objectively unreasonable force when:

- (a) Present and observing another peace officer using force in violation of 609.066 subd 2; or
- (b) Beyond that which is objectively reasonable under the circumstances; and
- (c) Physically or verbally able to do so.

An officer who observes another peace officer or employee 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 reporting officer's chief of police.

300.3 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.

300.4 USE OF FORCE

- (a) Officers shall use only that amount of force that is reasonable and necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- (b) Officers' use of force should be proportionate
- (c) Officers should consider the Use of Force Continuum taking into consideration time, distance and cover when deciding to use force.
- (d) Officers should consider the use of de-escalation tactics prior to resorting to the use of force.
- (e) Nothing in this policy shall require de-escalation if doing so would reasonably compromise the immediate safety of the public or peace officers.
- (f) The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident.

Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that 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 an officer might encounter, officers are entrusted to use good discretion in determining the appropriate use of force in each incident and evaluate the use of Less Lethal Force before using Deadly Force.

Circumstances may arise in which officers believe that it would not be reasonable, practical or effective to use any of the tools, weapons or methods provided by the Department. Officers may find it more reasonable and effective to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must be justifiable, reasonable and utilized only to the degree that it 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 an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.4.1 USE OF FORCE TO EFFECT AN ARREST

An officer 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.
- (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.

An officer may not use the following restraints unless section 609.066 authorizes the use of deadly force:

- (a) The intentional use of Choke Holds and Vascular Neck Restraints
- (b) Tying all of a person's limbs together behind the person's back to render the person immobile
- (c) Securing a person in any way that results in transporting the person face down in a vehicle

An officer 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 officer 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.

300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

300.4.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.5 DEADLY FORCE

1. The Department recognizes that the decision to use deadly force may be forced upon the officer suddenly. If feasible and practical, without putting themselves or others in increased danger, officers should identify themselves as a police officer and warn of intentions to use 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;

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

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if deadly force is directed at the officer or others. Only in extraordinary circumstances involving the prevention of loss of life, in which deadly force would be authorized, should officers shoot at any part of a vehicle in an attempt to disable the vehicle.

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department, other than routine handcuffing, shall be documented promptly, completely and accurately in the police narrative report. Depending on the nature of the incident, the officer should articulate the factors perceived and why the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms.

300.6.1 NOTIFICATION 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 officer 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 an TASER® device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, hobble or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.6.2 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs

have been taken of any areas involving visible injury or complaint of pain.

(d) Identify any witnesses not already included in related reports.

(e) Review and approve all related reports.

(f) Notify one of the Captains of any apparent unreasonable use of force.

300.6.3 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant should review each use of force by personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer 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 not available, the primary handling officer 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 officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration). Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.8 TRAINING

Officers will receive training on this policy according to MN Statute and demonstrate their knowledge and understanding of use of force, including use of firearms, in compliance with mandates of the POST Board and statutes. All licensed personnel shall successfully complete Department training regarding the use of force, deadly force and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452 and Minn. Stat. § 626.8463). An officer failing to demonstrate a minimum level of proficiency with any duty firearm he/she is authorized to use may not carry or use the duty firearm until he/she participates in the remedial duty firearm course provided by the Department. All licensed personnel shall participate in annual Department training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § 626.8452 Subd. 3). See Firearms policy, Taser Policy, Control Devices and Techniques policies for further training info. Records of officer training shall be maintained by the Department.

300.9 TASER AND IMPACT WEAPONS

Officers shall follow the use of force policy when deploying either Taser or Impact Weapons along with policy guidelines set forth in those policies. Please refer to policy 309 for Taser and policy 308 for impact weapons for further explanation of deployment procedures and guidelines.

300.10 RECORDKEEPING REQUIREMENTS

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

