



# St. Louis Park Police Department

3015 Raleigh Ave. S.  
St. Louis Park, MN 55416  
Phone: (952) 924-2600



Policy Manual

Printed on February 8, 2019

## Chapter 5 - USE OF FORCE

### Section 1 - DEFINITIONS AND USE OF DEADLY FORCE

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#### 5.1.0 DEFINITIONS:

1) Approved Weapon:

A device or instrument for which an officer has received permission from the department to carry and use in the discharge of that officer's duties, and for which the officer has:

- a) Obtained training in the technical, mechanical, and physical aspects of the device, and
- b) Has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapons.

2) Chemical Aerosol:

A chemical containing Orthochlorbenzalmalononitrile (CS) and / or Oleoresin Capsicum (OC) in a handheld container disseminated with a liquid or gas propellant.

3) Chemical Munitions:

A chemical containing Orthochlorbenzalmalononitrile (CS), Oleoresin Capsicum (OC), and Hexachlorethane (HC - Smoke) disseminated in a projectile with a liquid carrier or a pyrotechnic (burning) grenade.

4) Contact Weapons:

All objects and instruments that are used, or are designed to be used, to apply force to another by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

5) Deadly Force:

Deadly force shall include all force actually used by an officer against another with which 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.

6) Conducted Electrical Weapon (CEW):

The conducted electrical weapon is designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause muscle contractions and override an individual's voluntary motor responses.

7) Force:

Intentional actions by an officer that the officer knows, or reasonably should know, is likely to cause a nonconsensual, harmful, or offensive bodily contact with another, or places another in imminent fear of a nonconsensual, harmful, or offensive bodily contact.

8) Great Bodily Harm:

Bodily injury that creates a high probability of death, or that which causes serious, permanent disfigurement or that which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

9) Non Deadly Force:

Includes all force actually used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

**10) Positional Asphyxiation:**

Is insufficient intake of oxygen as a result of body position that interferes with one's ability to breath.

**11) Weapon:**

Any instrument used, or designed to be used, to apply force to the person of another.

**5.1.1 USE OF DEADLY FORCE:**

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord officers discretion in the use of deadly force to the extent permitted by Minnesota State Statute § 609.066, Subdivision 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary:

- a) To protect the peace officer or another from apparent death or great bodily harm.
- b) To effect the arrest or capture, or prevent the escape, of a person who the peace officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony involving the use or threatened use of deadly force.
- c) To effect the arrest or capture, or prevent the escape, of a person who the officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony, if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

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

**5.1.2 USE OF NON DEADLY FORCE:**

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord its officers discretion in the use of non deadly force to the extent permitted by Minnesota State Statute § 609.06, which permits police officers to use reasonable force:

- a) In effecting a lawful arrest.
- b) In the execution of legal process.
- c) In enforcing an order of the court.
- d) In effecting any other duty imposed on the officer by law.

2) In determining the amount, type, and level of force deemed reasonable under this provision, officers shall consider:

- a) The severity of the crime in issue.
- b) Whether the suspect poses a threat to the officer or another.
- c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**5.1.3 GENERAL RULES GOVERNING USE OF FORCE:**

1) Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

2) Protracted hand to hand combat may be harmful to the public safety, the safety of police officers, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of non deadly force necessary to bring a subject who the officer intends to arrest or capture quickly under control.

3) Officers shall carry and use only approved weapons as that term is defined in section 5.5.2, 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. This provision shall not be construed as authorizing officers to carry or use a non approved weapon where, under the circumstances, it would be feasible to procure approval for use of the particular weapon prior to its use.

4) No officer shall modify, alter, or cause to be altered an approved weapon in their possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.



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## Chapter 5 - USE OF FORCE

### Section 2 - CONTACT WEAPONS

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#### 5.2.0 CONTACT WEAPONS:

1) The purpose of using a contact weapon is to defend against, or control, a subject. Contact weapons shall 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. When contact weapons are being used to control or defend against a subject, officers should continually reassess whether deescalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

Contact weapons may be used only in the following manner:

- a) Defense: To ward off blows or kicks from another person.
  - b) Defense or Control: To strike another for the purpose of rendering that person temporarily incapacitated.
  - c) Control: To restrain persons
  - d) Control: In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.
- 2) Officers striking another person with a contact weapon should attempt to avoid striking, if possible, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section.
- 3) Officers striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacitation.



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## Chapter 5 - USE OF FORCE

### Section 3 - HANDHELD CHEMICAL AEROSOL

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#### 5.3.0 HANDHELD CHEMICAL AEROSOL: PURPOSE

- 1) The purpose of using chemical aerosol is to render a person temporarily incapacitated so as to neutralize a threat by, or effect control of, the subject. The use of chemical aerosol shall be governed by the provisions governing non deadly force. Only chemical aerosol that are approved weapons, as previously defined, shall be used.
- 2) Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents. Use of chemical aerosol must be documented in the police report and Resistance Response Report.
- 3) Chemical aerosols shall not be applied to any person for the purpose of effecting punishment.
- 4) First aid or medical attention shall be provided to all persons sprayed with chemical aerosols.

#### 5.3.1 HANDHELD CHEMICAL AEROSOL: USE

Always discharge the container by holding it in the upright position. This will ensure that the irritant and not the propelling gas are projected. The maximum effective range of chemical aerosol is fifteen feet.

- 1) Officers should use a short one to two second burst when spraying chemical aerosol at a person. After using chemical aerosol, officers shall ensure that the following steps are observed:
  - a) Keep the contaminated area exposed to fresh air, thus allowing the irritants to escape. Do not bandage.
  - b) If the subject is wearing contact lenses at the time of exposure, they must be removed to achieve proper first aid.
  - c) First aid measures should be given as soon as possible after the exposure, and in no case should a period of more than thirty minutes lapse between the exposure and first aid.
  - d) Immediate medical attention will be provided to any person upon whom the chemical is applied.
- 2) If the container is damaged, malfunctions, or if the supply is depleted, a new canister will be issued. If an officer loses their chemical aerosol, an offense report including the details of the loss is required.

#### 5.3.2 NOTIFICATION WHEN USED:

Important: In all cases where a chemical aerosol is used, include in police report the following:

- 1) The time the chemical aerosol was applied.
- 2) Justification for doing so (e.g., resisting arrest, etc.).
- 3) The type and time of first aid given.

### 5.3.3 CAUTIONS IN USING:

- 1) Only under conditions that represent an extreme hazard (immediate threat of serious injury or death) should the spray be applied into the face at a distance of less than two feet.
- 2) Under no circumstances is the chemical agent to be applied as a punitive measure.
- 3) Chemical aerosol should not be discharged in the immediate vicinity of infants.

### 5.3.4 CHEMICAL MUNITIONS PROCEDURES AND USE:

- 1) It is the policy of the department to use chemical munitions only in those instances where its use will provide an effective enforcement tool without creating an unreasonable risk of injury to subjects or innocent third parties.
- 2) It is important to use enough chemical aerosol to accomplish the task encountered, but it is equally important to avoid excessive or indiscriminate use.
- 3) Any innocent person(s) nearby should be warned of the potential use of chemical munitions and steps should be taken to minimize possible discomfort or danger to them or property.
- 4) When chemical munitions are issued, it is imperative that ALL unused munitions be returned to the armory or other appropriate / designated location as soon as possible.
- 5) Chemical munitions will not be used until authority has been granted by a supervisor.
- 6) When chemical munitions are to be used, gas masks will be issued to all on scene personnel.
- 7) Only liquid (non-burning) chemical munitions will be used inside an enclosed structure unless otherwise approved by the Chief of Police or designee.
- 8) Whenever pyrotechnic chemical munitions are used in a closed structure the fire department will be notified and requested to stand by for possible fire and decontamination.
- 9) Whenever chemical munitions are used a full report of the circumstances surrounding its use will be made by the duty supervisor



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## Chapter 5 - USE OF FORCE

### Section 4 - PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW)

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#### 5.4.0 PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW) USE:

PURPOSE: To establish procedures regarding the use, reporting, and first aid treatment when deploying the CEW.

#### 5.4.1 USE OF CONDUCTED ELECTRICAL WEAPON (CEW):

- 1) It is the policy of the department to use only that level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individuals. Use of the CEW is authorized under Minnesota State Statute § 609.06, "Authorized Use of Force", as well as the guidelines set forth in this section.
- 2) Use of the CEW will be reported on a departmental Resistance Response Report and in the report of the incident.
- 3) The CEW is a less lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and / or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

#### 5.4.2 PROCEDURES FOR USE:

##### 1) Authorized Users:

The CEW will only be issued to, and deployed by, officers who have completed the department CEW course for operators.

##### 2) Weapon Readiness:

- a) The device will be carried in an approved holster on the support side of the body. Officers not in uniform must carry the weapon consistent with department training.
- b) Only a fully charged and properly functioning CEW shall be carried in the field. It is each operator's responsibility to check the CEW prior to each duty shift.
- c) Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in the event of cartridge failure, the need for redeployment, or in the event the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges replaced consistent with the manufacturer's expiration requirements.

##### 3) Prohibited Use:

The CEW will not be used in the following manner:

- a) As an interrogative device, either through application or threat thereof.
- b) To threaten, harass, taunt, or abuse,
- c) In areas where there are concentrations of combustible materials.
- d) On a handcuffed prisoner.

- e) On a subject that has been sprayed with a chemical aerosol.
- f) In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
- g) In an unlawful manner.

NOTE: The CEW is extremely effective in incapacitating a subject. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the CEW operator should be covered by an armed officer).

**4) Deployment:**

- a) The operator should take into consideration and avoid using the CEW if the subject is known to be pregnant, very young, very old, frail, or if the officer has reason to believe that the subject has heart problems or a debilitating illness.
- b) The operator will not have both their duty weapon unholstered and ready in one hand, while simultaneously deploying the CEW in the other hand. This is intended to avoid unintentionally firing the wrong weapon.
- c) Only one CEW will be deployed on one subject at a given time. If there are multiple subjects involved, then a corresponding number of CEWs may be used.
- d) Once an operator has decided the criteria exist for deployment of the CEW, the following steps shall be adhered to:
  - 1. Operators will not target the head, neck, or groin area of the subject. Each CEW unit is laser sighted and should be targeted at lower center mass when possible.
  - 2. Prior to the deployment of the CEW the deploying operator, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done so the sound of the deploying CEW unit is not confused with that of a discharging firearm.
  - 3. CEW are programmed to expose a subject to a five second electrical current. It is recommended that each use should be a full five seconds. Operators have the discretion of terminating the exposure by turning the CEW off. Operators are to use this discretion as the circumstances of each incident warrant.
  - 4. No more than three consecutive cycles shall be administered to a subject during an incident.
  - 5. The device may also be used in certain circumstances in a touch stun mode. After the barbs have been deployed, create a second contact point of six inches or more. It is important to note that when the device is used in this manner, it is:
    - a. Minimally effective when compared to conventional cartridge type deployments
    - b. More likely to leave marks on the subject's skin
    - c. Subject to the same deployment (use) guidelines and restrictions as that of the cartridge deployments
  - 6. After deploying the CEW, operators will notify the duty supervisor, if not at the scene, as soon as it is safe to do so. If possible, the duty supervisor should immediately respond to the scene.
  - 7. After the subject has been handcuffed, officers will guard against positional asphyxiation.

**5.4.3 AFTERCARE AND REPORTING:**

- 1) Officers are to immediately call paramedics to the scene to evaluate the subject.
- 2) If the probes of the CEW unit penetrate the skin of the subject, they may be removed by an officer. If an officer feels uncomfortable removing the probes, paramedics may assist. If the head, neck, or groin areas are struck with one or both of the probes, the officer will not attempt to remove the probes.
- 3) After the probes are removed from a subject, the following procedure will be adhered to:
  - a) Probes will be considered a biohazard. Officers will invert spent probes back into the air cartridge to prevent sharp ends from being exposed. Tape will be placed over the portals to secure them in the cartridge. The air cartridge wires will then be wound around the cartridge and secured by tape. The entire cartridge is to be placed in the proper biohazard container marked as such. Officers will collect several AFID tags and place them with the air cartridge. The container will be placed in property inventory.
  - b) Photographs will be taken of probe penetration sites and any injuries incurred during the incident. Photographs will be placed in property inventory.
  - c) The subject shall be transported to Methodist Hospital emergency room for evaluation, using the hospital's CEW exposure protocol.
  - d) Officers shall complete the departmental Resistance Response Report and detail the CEW deployment in the operator's narrative report prior to the end of their duty shift.
  - e) After an exposure has been delivered to a subject, the unit shall be given to the duty supervisor, who will route it to

the Chief of Police's designee. Data from the incident may be uploaded from the CEW for the Resistance Response Report. After uploading the data, the unit may be placed back into service.





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### Section 5 - PROCEDURES WHEN FIREARM IS DISCHARGED

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#### 5.5.0 PROCEDURES WHEN FIREARM IS DISCHARGED:

- 1) Whenever an officer discharges a firearm in the course and scope of their duties or while acting under color of law (exclusive of training), the officer shall notify the duty supervisor.
- 2) The officer who discharged a firearm shall file a written report of the incident with the duty supervisor as soon as time and circumstances permit, but in no event later than the completion of their current tour of duty. This requirement may be suspended on order of the immediate supervisor.
- 3) If the officer is incapable of filing the required report, the officer's duty supervisor shall be responsible for filing the report.
- 4) Consistent with Minnesota State Statute § 626.553, the Commissioner of Public Safety will be notified in writing of the facts and circumstances surrounding any discharge of a firearm by a peace officer in the course of duty, other than for training purposes or destroying animals.

#### 5.5.1 INITIAL INVESTIGATION OF FIREARM DISCHARGE:

- 1) Each discharge of a firearm within this policy shall be investigated by the duty supervisor, who shall personally inspect the scene of the incident.
- 2) The Chief of Police or designee will determine if an outside agency is needed to investigate and, if so, determine the appropriate agency.
- 3) After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the duty supervisor shall submit a detailed written report of the results of the investigation to the Chief of Police. The report will state whether the discharge was justified and in accordance with department policy.

#### 5.5.2 AUTHORIZED FIREARMS:

- 1) The primary duty handgun must be a semiautomatic double action pistol chambered for 9 mm, .40, or .45 caliber ammunition, and only manufacturers authorized by the Chief of Police.
- 2) Officers that elect to carry a weapon off duty that falls outside of the primary duty handgun requirements shall be required to have the written approval of the Chief of Police or designee, and complete competency training by a range instructor on a yearly basis.
- 3) Specialized weapons, as authorized by the Chief of Police. Officers must receive training and be certified as proficient in the use of any specialized weapons. These specialized weapons include, but are not limited to: shotguns, sniper rifles, gas launchers, semi and fully automated rifles, etc.
- 4) Handguns shall be inspected, fired, and certified safe on an annual basis by a department firearms instructor.
- 5) Handguns shall be registered with the department by make, model, and serial number.
- 6) Officers shall demonstrate their ability to use the weapon in a safe and proficient manner during regular firearms qualification sessions.

- 7) Officers shall be certified by a department firearms instructor to carry each approved weapon.
- 8) SWAT members will be required to have their assigned long gun in their car while working uniformed patrol. Officers must return long guns to the Armory at the end of their shift.
- 9) SWAT members assigned to a special assignment will store their assigned long gun in the armory and will have them available for use in non-immediate and immediate situations.

#### **5.5.3 AUTHORIZED AMMUNITION:**

Only department issued ammunition is authorized.

#### **5.5.4 CARRYING AND DISPLAYING OF FIREARMS:**

Officers shall not remove firearms from holsters or cases except when necessary in the performance of official duty.

- 1) Cross draw, upside down, or similar holsters are not permitted without the express permission of the Chief of Police.
- 2) Officers in civilian dress can wear their firearm concealed or unconcealed. If the firearm is in public view, their badge must be displayed next to the firearm.

#### **5.5.5 FIREARMS TRAINING:**

Training programs will be held at regular intervals, as determined by the Chief of Police or designee for the purpose of maintaining and improving proficiency in the use of the various types of firearms used by the department and in order to familiarize officers with the contents of departmental policies governing the use of deadly force and firearms. All sworn personnel are required to attend the training sessions as scheduled unless excused by their supervisor. Officers failing to attend these sessions without properly being excused will be subject to disciplinary action.

#### **5.5.6 USE OF FIREARMS TO DESTROY ANIMALS:**

When an animal is critically injured, the owner's permission should be obtained prior to destroying the animal. If the owner is not available, the names and addresses of witnesses shall be obtained to assist in verifying that the animal was critically injured. If the owner is present, it is their responsibility to have the animal removed.

The following guidelines are provided:

- 1) The animal shall be removed from public view prior to destruction whenever possible.
- 2) The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.
- 3) Shoot the animal from close range, five to fifteen feet maximum if possible.
- 4) Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.
- 5) Shoot the animal in the brain to minimize suffering. Upon destroying an animal, arrangements should be made without delay for removal of the animal's body.

**EXCEPTION:** If the possibility of rabies exists, or if the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body must be removed to the University of Minnesota and the state department of health in notified.

#### **5.5.7 WARNING SHOTS:**

Warning shots shall not be fired.



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### Section 6 - USE OF CHOKE HOLDS

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#### 5.6.0 USE OF CHOKE HOLDS:

Officers shall use choke holds only in situations where the use of deadly force would be justified under the provisions of this section.



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## Chapter 5 - USE OF FORCE

### Section 7 - THREATENING THE USE OF FORCE

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#### 5.7.0 THREATENING THE USE OF FORCE:

An officer may announce to another their intention to use only that type and degree of force that is reasonably necessary under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.