

**USE OF FORCE AND DEADLY FORCE MODEL POLICY**  
MN STAT 626.8452

**I. POLICY**

It is the policy of the (law enforcement agency) 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 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.

This policy applies to all peace officers and part-time peace officers engaged in the discharge of official duties.

**II. 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.

**III. PROCEDURE**

**A. Force Considerations**

In determining what force is reasonable under the circumstances, an officer should consider:

- the severity of the crime at issue;
- whether the suspect poses an immediate threat to the safety of the officer or others;
- whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and
- other relevant information the officer reasonably believes to be true at the time.

#### **B. Use of Deadly Force**

It is the policy of this agency to accord officers discretion in the use of force to the extent permitted by Minnesota Statute. An officer is authorized to use deadly force only when the officer perceives it is necessary given the circumstances known to the officer at the time in order to:

1. protect the officer or another from apparent death or great bodily harm;
2. effect the arrest or capture, or prevent the escape, of a person whom the 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; or
  - if the officer believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

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

#### **C. Use of Other Than Deadly Force**

It is the policy of this agency to accord officers discretion in the use of other than deadly force to the extent permitted by Minnesota Statute. An officer is authorized to use reasonable force when the officer perceives it is necessary given the circumstances known to the officer at the time in:

- 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.

#### **D. General Rules Governing Use of Force**

1. Before carrying 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.
2. 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.

3. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the officer or the public requiring the use of a device or object that has not been authorized to counter such a threat.
4. With agency approval officers may modify, alter or cause to be altered an authorized device in his or her possession or control.
5. 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.
6. An officer may announce their intention to use reasonable force.

**E. Recordkeeping Requirements**

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

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