

# **WORTHINGTON POLICE DEPARTMENT**

**NUMBER: 101-16    PAGES: 13**

**EFFECTIVE DATE: JANUARY 15, 2024** *(This order supersedes all previous releases.)*

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**SUBJECT: USE OF FORCE**

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## **1.0    PURPOSE:**

It is the policy of the Worthington 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.

## **2.0    POLICY:**

It is the policy of the Worthington 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.

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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.

### 3.0 **DEFINITIONS:**

3.1 **Bodily Harm:** Physical pain or injury.

3.2 **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 of impairment of the function of any bodily member or organ or other serious bodily harm.

3.3 **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.

3.4 **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.

3.5 **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.

3.6 **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

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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.

**3.6.1** The use of choke holds or neck restraints are considered deadly force by the Worthington Police Department and should only be used in situations where the use of deadly force would be justified under MN STAT 609.066 Subd. 2.

**3.6.2** In all cases where a subject is rendered unconscious he/she shall be taken to the hospital emergency room for further examination and treatment.

**3.7** 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. Department weapons include all firearms, chemical agents, and impact weapons owned and maintained by the department.

**3.7.1** Chemical Agents: Chemical agents means chemical aerosol, tear gas, CS, CN, OC, pepper fog, pepper spray, and chemical irritants, or any combination of these agents.

**3.7.1.1** The use of chemical agents shall be governed by the procedures governing "other than deadly force". (See Section 3.5 of this general order.)

**3.7.1.2** Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents.

**3.7.1.3** Chemical agents shall not be applied to any person for the purpose of effecting punishment.

**3.7.1.4** In all cases of use, the subject must receive proper first aid care, and if warranted, be taken to the hospital emergency room for further examination and treatment.

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**3.7.2** Impact Weapons: Impact weapons means all objects, which are used, or designed to be used, to apply force to a person by striking that person with the weapon (PR 24 baton, expandable baton, nightstick or flashlight). Includes less lethal projectiles approved by the Worthington Police Department.

**3.7.2.1** Impact 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.

**3.7.2.2** Officers should attempt to avoid striking bodily areas likely to result in great bodily harm or death, unless deadly force is authorized in accordance with MN STAT 609.066 Subd. 2.

**3.7.2.3** Impact weapons may be used in the following manner:

- a.** To ward off blows or kicks from another person.
- b.** To strike another for the purpose of rendering that person temporarily incapacitated.
- c.** To restrain persons.
- d.** In appropriate crowd control situations, to direct and control the movement of, or as a barricade.

**3.7.2.4** In all cases of use, the subject must receive proper first aid, and if warranted, be taken to the hospital emergency room for further examination and treatment.

**3.7.3** Taser: Taser is considered a non-lethal/minimal impact weapon likely to have less lasting effects on a subject than chemical agents and impact weapons. The Taser is considered an approved electronic weapon for use by trained Worthington Police Department Officers. (See Policy Section 101-19.)

## **4.0** PROCEDURE:

### **4.1** General Provisions

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- 4.1.1** Use of physical force should be discontinued when resistance ceases or when the incident is under control.
  - 4.1.2** 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.
  - 4.1.3** 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.
  - 4.1.4** All uses of force shall be documented and investigated pursuant to this agency's policies.
- 4.2** Duty to Intercede – regardless of tenure or rank, an officer must intercede when:
  - 4.2.1** 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
  - 4.2.2** Physically or verbally able to do so.
- 4.3** 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.
- 4.4** De-escalation
  - 4.4.1** 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.

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4.4.2 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.

4.5 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:

4.5.1 Effecting a lawful arrest

4.5.2 The execution of legal process

4.5.3 Enforcing an order of the court

4.5.4 Executing any other duty imposed upon the public officer by law; or

4.5.5 Defense of self or another.

4.6 Display of Firearms – Firearms may be readied for use in situations where it is reasonable anticipated that they may be required.

4.7 Use of Certain Types of Force

4.7.1 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:

4.7.1.1 Chokeholds

4.7.1.2 Tying all of a person's limbs together behind a person's back to render the person immobile, or;

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**4.7.1.3** Securing a person in any way that results in transporting the person face down in a vehicle.

**4.7.2** Less than lethal measures must be considered by the officer prior to applying these measures.

### **4.8** Use of Deadly Force

**4.8.1** 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;

**4.8.1.1** To protect the peace officer or another from death or great bodily harm, provided that the threat:

- a. Can be articulated with specificity.
- b. Is reasonably likely to occur absent action by the law enforcement officer; and
- c. Must be addressed through the use of deadly force without unreasonable delay; or

**4.8.1.2** 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 **4.8.1.1** items a and c, unless immediately apprehended.

**4.8.2** 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 **4.8.1.1** items a and c.

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**4.8.3**      Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

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

**4.9**      Discharge of Firearms:

**4.9.1**      Discharge of firearms prohibited:

**4.9.1.1**      As a warning shot.

**4.9.1.2**      At a moving or fleeing vehicle, unless the circumstances come within the provisions of state law.

**4.9.1.3**      From a moving vehicle, unless the circumstances come with the provisions of state law.

**4.9.2**      Discharge of firearms permitted:

**4.9.2.1**      To kill a dangerous animal or one that humanly requires its removal from further suffering.

**4.9.2.2**      For target practice and firearms qualification, at an approved range.

**4.9.2.3**      Any time use is authorized under state law, as outlined in Section 3.0 of this General Order.

**4.10**      Use of Motor Vehicle in Deadly Force Situations

The use of a motor vehicle directly against a person is considered to be use of deadly force.



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### 4.11 Training

- 4.11.1 All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
- 4.11.2 In addition, training shall be provided on a regular and periodic basis and designed to:
  - 4.11.2.1 Provide techniques for the use of and reinforce the importance of de-escalation
  - 4.11.2.2 Simulate actual shooting situations and conditions; and
  - 4.11.2.3 Enhance officer's discretion and judgement in using other than deadly force in accordance with this policy.
- 4.11.3 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.
- 4.11.4 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.
- 4.11.5 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.
- 4.11.6 With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

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

- 4.12.1 An officer using deadly or non-deadly force shall in all instances notify the on-duty Supervisor and prepare a Aggression/Resistance Report in addition to all other reports concerning the incident.

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**4.12.1.1**    Supplement Report

**4.12.1.2**    Aggression/Resistance Report (WPD)

**4.12.1.3**    Firearms Discharge Report (State)

- 4.12.2**    The on-duty Supervisor shall review all reports and video of all incidents involving use of force and approve the officer's Aggression/Resistance Report form if the officer's actions complied with the provisions of this general order. If an evaluation indicates the officer did not comply with this general order, the on-duty supervisor shall submit a separate report of his/her findings to the Deputy Chief. If the on-duty supervisor was on scene or participated in the incident, the review and approval shall be referred to an uninvolved supervisor.
- 4.12.3**    All officers present at a scene where force was used by another officer shall write a supplemental report and complete the Aggression/Resistance Report. All reports shall be submitted on the date the information was gathered, unless a supervisor determines the report can be delayed past the end of the officer's assigned shift.
- 4.12.4**    The Aggression/Resistance Report form shall be included with the case file. The reviewing supervisor shall submit this form to the Deputy Chief to be added to the case file upon final review.

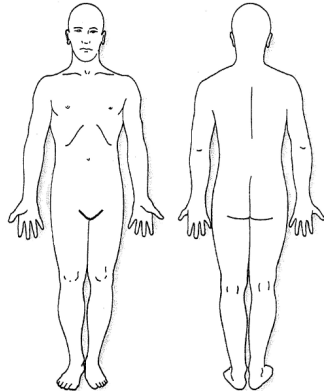
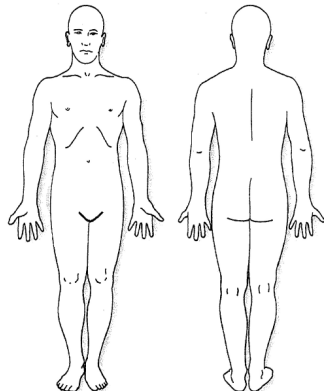
# AGGRESSION/RESISTANCE REPORT



INCIDENT INFORMATION		
Case Number:	Squad Video: <input type="checkbox"/> Yes <input type="checkbox"/> No	Body Cam Video: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Occurred:	Watchguard ID: _____	Watchguard ID: _____
Incident Type:	Number of Officers Present at Time of Arrest: Number of Subjects that Resisted Arrest or Assaulted Officers:	
Incident Location:	Officer Badge/ Signature:	

SUBJECT INFORMATION				
Name (Last, First Middle):		Date of Birth:	Sex:	
Race:	Build:	Height:	Weight:	
Officer vs. Subject Factors: <input type="checkbox"/> Multiple Officers Needed	Prior Knowledge of Subject by Officer: <input type="checkbox"/> Alcohol/Drug Use <input type="checkbox"/> Other:	Officer Pre-Existing Condition: <input type="checkbox"/> Weather <input type="checkbox"/> Other:		
<input type="checkbox"/> Indignant <input type="checkbox"/> Belligerent <input type="checkbox"/> Smells of Alcohol <input type="checkbox"/> Profanity <input type="checkbox"/> Not listening to commands <input type="checkbox"/> Other:				
Subject's Injury Prior to Application of Force				
<input type="checkbox"/> No Injury <input type="checkbox"/> Unknown <input type="checkbox"/> Injury- (Description and Location):				
Type of Aggression/Resistance by Subject Against Officer				
<b>Psychological Intimidation &amp; Verbal Non-Compliance</b>	<b>Passive Resistance</b>	<b>Defensive Resistance</b>	<b>Active Aggression</b>	<b>Deadly Force</b>
<input type="checkbox"/> Ignoring Instructions <input type="checkbox"/> Shouting <input type="checkbox"/> Clenched Fists <input type="checkbox"/> Tightening of jaw/muscles <input type="checkbox"/> Blank Stare <input type="checkbox"/> Walking Away <input type="checkbox"/> Other:	<input type="checkbox"/> Dead Weight <input type="checkbox"/> Doesn't react to verbal command <input type="checkbox"/> Other:	<input type="checkbox"/> Pulling <input type="checkbox"/> Pushing Away <input type="checkbox"/> Other	<input type="checkbox"/> Advancing or Challenging <input type="checkbox"/> Punching <input type="checkbox"/> Kicking <input type="checkbox"/> Grabbing <input type="checkbox"/> Wrestling <input type="checkbox"/> Other	<input type="checkbox"/> Other
De-Escalation Techniques Attempted:				
Weapon(s) Used by Subject				
<input type="checkbox"/> No Weapon <input type="checkbox"/> Weapon Used <input type="checkbox"/> Type of Weapon: _____				

## OFFICER INFORMATION

Officer Alone? <input type="checkbox"/> Yes <input type="checkbox"/> No	Reason for Use of Force: <input type="checkbox"/> Necessary to Effect Arrest <input type="checkbox"/> Necessary to Defend Reporting Officer <input type="checkbox"/> Necessary to Defend Another	<input type="checkbox"/> To prevent a violent, forcible felony <input type="checkbox"/> To restrain for subject's safety <input type="checkbox"/> Other
<b>Force/Weapons(s) Used by Officer</b>		<b>Physical Restraint(s) Used by Officer</b>
<input type="checkbox"/> Verbal Direction _____ <input type="checkbox"/> Soft Empty Hand _____ <input type="checkbox"/> Hard Empty Hand _____ <input type="checkbox"/> Intermediate Weapon _____ <input type="checkbox"/> Deadly Force _____ <input type="checkbox"/> Other _____		<input type="checkbox"/> Handcuffs  <input type="checkbox"/> Other
<b>Taser Use</b>		
Taser Used? <input type="checkbox"/> x26 <input type="checkbox"/> x26P Taser Serial #: _____ Taser Cartridge #: _____		Initial Cycle Length: <input type="checkbox"/> Programmed 5 Second <input type="checkbox"/> More / Less Than 5 Seconds How Many Seconds? _____ Additional Discharges? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, how many additional discharges? _____ Program length of each additional charge? _____
Laser Used? <input type="checkbox"/> Yes <input type="checkbox"/> No Drive Stun Application? <input type="checkbox"/> Yes <input type="checkbox"/> No Number of Times: _____ Probes Deployed? <input type="checkbox"/> Yes <input type="checkbox"/> No Number of Cycles: _____		<b>Probe Location / Drive Stun Points of Contact:</b> Top Probe Location:  Bottom Probe Location:  Drive Stun Location:  Comments: <div style="text-align: center;">  </div>
Did Probes Penetrate Subject's Skin? <input type="checkbox"/> Yes <input type="checkbox"/> No Probes Removed By: _____ Subject's Demeanor After Taser Use? _____ _____		
Items Placed Into Evidence? <input type="checkbox"/> Cartridge <input type="checkbox"/> Wires <input type="checkbox"/> Probes <input type="checkbox"/> AFID's <input type="checkbox"/> N/A		
<b>Less Lethal</b>		
Launcher Used? <input type="checkbox"/> 40 MM Launcher Serial #: _____ Less Lethal Munition Deployed _____ # of Munitions Deployed _____		<b>Less Lethal:</b>    Comments: <div style="text-align: center;">  </div>
Did Impact Munition Penetrate Subject's Skin? <input type="checkbox"/> Yes <input type="checkbox"/> No Subjects Demeanor After Less Lethal Use: _____ _____		
Items Placed Into Evidence: <input type="checkbox"/> Casing <input type="checkbox"/> Foam Impact Munition <input type="checkbox"/> Other _____ _____		

Subject Injury Data (caused by the application of force)		
<input type="checkbox"/> No Injury <input type="checkbox"/> Injury Description and Location:		Photos Taken of Subject Injury Site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Subject Medical Treatment		
<input type="checkbox"/> No Treatment Needed	<input type="checkbox"/> Subject Received Treatment	<input type="checkbox"/> Subject Refused Treatment
Date of Treatment:	Medic/Medical Facility:	
Subject Disposition		
<input type="checkbox"/> Arrest Made <input type="checkbox"/> Jailed		
<input type="checkbox"/> Property Damage (describe):		<input type="checkbox"/> Photos Taken of Property Damage

Officer Injury Data		
<input type="checkbox"/> No Injury <input type="checkbox"/> Injury <input type="checkbox"/> Unknown Description and Location:		Photos Taken of Officer Injury Site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Officer Medical Treatment		
<input type="checkbox"/> No Treatment Needed	<input type="checkbox"/> Officer Received Treatment	<input type="checkbox"/> Officer Refused Treatment
Date of Treatment:	Medic/Medical Facility:	

Review	
Video Viewed? <input type="checkbox"/> Yes <input type="checkbox"/> No If not viewed please explain:	Type of Video: <input type="checkbox"/> Body Video <input type="checkbox"/> Squad Video
<input type="checkbox"/> I concur with the officer's action as detailed in this report and the facts contained herein.	
<input type="checkbox"/> I do not concur with the officer's actions as detailed in this report and the facts contained herein. As a result, I have attached a summary of my concerns and recommendations to Administration for review and evaluation.	
This Report Has Been Reviewed and Approved by:	
Use of Force Instructor:	Date:
Deputy Chief:	Date:
Chief:	Date: