

202. USE OF FORCE – LESS LETHAL MUNITIONS



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

This Policy is intended to provide officers of the Richfield Police Department with guidelines regarding the use of less than lethal force in deadly and non-deadly force situations.

II. POLICY

It is the policy of this law enforcement agency 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.

III. DEFINITIONS

The following definitions apply for the purpose expressed in this Policy:

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.

LESS LETHAL MUNITIONS: means projectiles, which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.

NONDEADLY FORCE: Any use of force other than that which is considered deadly force.

FIREARM: "A device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion." (State Statute 609.666 Subd. 1a.)

DANGEROUS WEAPON: Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

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:

- a. obtained training in the technical, mechanical and physical aspects of the device; and
- b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

IV. PROCEDURE

PARAMETERS FOR USE OF LESS-LETHAL MUNITIONS IN NON-DEADLY FORCE & DEADLY FORCE SITUATIONS

Authorized Use of Force by Peace Officers

The following is taken from Minn. Stat. 609.066, Subd. 1a:

1. that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;
2. as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case;
3. that the decision by a peace officer to use 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 deadly force; and
4. that peace 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.

Less-Lethal Munitions can be used in Deadly Force situations. In addition, the Department allows for the use of Less-Lethal Munitions in Non-Deadly Force Situations in which a Dangerous Weapon is used or threatened to be used in an aggressive/assaultive manner toward an officer or the public. The department's authorized devices for less-lethal purposes include:

1. The Department issued 12 gauge shotguns, designated for the sole purpose of delivering a less lethal projectile.
2. The 40mm LMT Less Lethal Launcher.
 - The only less lethal munitions that may be used in the 40mm LMT launcher are Richfield Police Department authorized less lethal 40mm munitions.
3. The PepperBall Launcher.
 - The only less lethal munitions that may be used in the PepperBall Launcher are Richfield Police Department authorized projectiles.

At no time shall any member of the Richfield Police Department load or allow to be loaded into the dedicated less lethal weapons, any projectiles other than Richfield Police Department authorized less lethal munitions.

Procedures For Use of the Less Lethal Shotgun

- 1) The 12 gauge shotgun will have an orange stock and slide and will be stored within a case and supplied with less lethal 12 gauge Super-Sock Bean Bag projectiles only.
- 2) Target areas are the arms (below the elbow), thighs, lower abdomen or buttocks.
- 3) The minimum standoff distance for the 12 gauge Super-Sock Bean Bag projectile is 5 feet.

Procedures For Use of the 40mm LMT

- 1) Target areas are legs, thighs, or buttocks. The groin should not be intentionally targeted. The abdomen may be targeted, if necessary, to prevent an imminent attack by the subject.
- 2) All other target areas have a higher propensity for serious injury or death to the subject and should only be targeted where deadly force is authorized pursuant to statute 609.066.

- 3) The minimum standoff distance for the 40mm eXact iMPact Sponge Round munitions is 5 feet. The maximum effective range is 120 feet. Target size and clothing may decrease the maximum effective range. Officers should be extremely cautious deploying this munition at a distance of less than 5 feet as it has a higher potential for injury.
- 4) The minimum standoff distance for the 40mm eXact iMPact Extended Sponge Round is 33 feet. The maximum effective range is 230 feet. Target size and clothing may decrease the maximum effective range. Officers should be extremely cautious deploying these munitions at a distance of less than 33 feet as it has a higher potential for injury.

Procedures For Use of the PepperBall Launcher

- 1) The PepperBall Launcher may be used in situations where the level of force reaches, at minimum, the authorized use of chemical aerosol as outlined in Policy #205: Chemical Aerosols.
- 2) Target areas include chest, abdomen, arms, buttocks, thighs and legs.
- 3) The neck, head, face and spine should not be target areas as there is a high potential for injury. These areas should only be considered where deadly force is authorized pursuant to statute 609.066.

First Aid

After a less lethal munition is used against a subject and the situation is controlled, the subject(s) shall be examined for any injuries and must be evaluated by medical personnel if possible.

The chief of police should be immediately notified in any case involving death or serious injury.

Reporting Requirements

A supervisor should be immediately summoned to the scene when a less lethal munition is discharged (excluding authorized training). An incident report detailing the circumstances of the incident including; the justification for its use, any injuries or claims of injuries, any first aid, and the number of less lethal munitions used shall be completed. A Special Incident Review form shall also be completed for any incident involving the discharge of a less lethal munition by personnel of this Department (excluding authorized training). The reporting will follow the guidelines set forth in Department Policy #138 Special Incident Review.

TRAINING

Pursuant to MSS 626.8452, officers will receive annual Use of Force training and instruction relative to weapons and equipment the officer is issued and/or authorized to use.

By Order Of:



Chief of Police