



## USE OF FORCE POLICY

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## Definitions

Authorized Device	<p>A device an agent has received permission from the CFB to carry and use in the discharge of that agent's duties, and for which the agent has:</p> <ul style="list-style-type: none"><li>• obtained training in the technical, mechanical, and physical aspects of the device; and</li><li>• developed a knowledge and understanding of the law, rules, and regulations regarding the use of.</li></ul>
Bodily Harm	<p>Physical pain or injury.</p>
Choke Hold	<p>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.</p>
Deadly Force	<p>Force used by an agent that the agent 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.</p>
De-Escalation	<p>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.</p>
Great Bodily Harm	<p>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.</p>
Other Than Deadly Force	<p>Force used by an agent that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.</p>

## Policy Statement/Objective

Pursuant to Minnesota Statutes § 626.8452, this use of force policy provides agents guidance for the use of force in accordance with Minn. Stat. §§ 626.8452, 626.8475, 609.06, 609.065, 609.066. The CFB is committed to ensure agents respect the sanctity of human life when making decisions regarding use of force. Special agents have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Agents must 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 oneself.

Agents may use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the agent at the time of the event to accomplish a legitimate law enforcement purpose.

Agents should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as a disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an agent to use force or deadly force will 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 agent at the time, rather than with the benefit of hindsight, and that the totality of the circumstances must account for occasions when agents may be forced to make quick judgments about using such force.

## Scope

This policy applies to all CFB personnel.

## Procedure

### General Provisions

Use of physical force should be discontinued when resistance ceases or when the incident is under control.

Physical force must not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the agent, or another person. Only the amount of force necessary to control the situation may be used.

Once a scene is safe and as soon as practical, an agent must 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, or arranging for transportation to an emergency medical facility.

All uses of force must be documented and investigated pursuant to CFB policies.

## Duty to Intercede

Regardless of tenure or rank, an agent must intercede when:

- present and observing another officer using force in violation of Minn. Stat. § 609.066, subd. 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- physically or verbally able to do so.

## Duty to Report

A CFB agent who observes another law enforcement 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 CFB Director and to the chief law enforcement officer of the agency that employs the reporting officer.

## De-Escalation

An agent must 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.

Whenever possible and when such delay will not compromise the safety of another or the agent and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an agent must allow an individual time and opportunity to submit to verbal commands before force is used.

## Use of Other Than Deadly Force

When de-escalation techniques are not effective or appropriate, an agent may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An agent is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

- 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 agent by law; or
- defense of self or another.

## Use of Certain types of Force

Except in cases where deadly force is authorized as articulated in Minn. Stat. § 609.066 to protect the peace officer or another from death or great bodily harm, agents are prohibited from:

- using chokeholds,
- tying all of a person's limbs together behind a person's back to render the person immobile; or
- securing a person in any way that results in transporting the person face down in a vehicle.

Less than lethal measures must be considered by the agent prior to applying these measures.

## Use of Deadly Force

An agent is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the agent 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 agent 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 agent; and
  - iii. must be addressed through the use of deadly force without unreasonable delay.
  
- B. To effect the arrest or capture, or prevent the escape, of a person whom the agent knows or has reasonable grounds to believe has committed or attempted to commit a felony and the agent 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.

An agent must not use deadly force against a person based on the danger the person poses to themselves if an objectively reasonable officer would believe, based on the totality of the circumstances known to the agent 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 agent or to another under the threat criteria in paragraph (A), items (i) to (iii).

Where feasible, an agent must identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

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

## Training

All agents must receive training, at least annually, on the CFB's use of force policy and related legal updates.

In addition, training must be provided on a regular and periodic basis and designed to:

- Provide techniques for the use of and reinforce the importance of de-escalation,
- simulate actual shooting situations and conditions; and
- enhance agents' discretion and judgement in using other than deadly force in accordance with this policy.

Before being authorized to carry a firearm, all agents must receive training and instruction with regard to the proper use of deadly force and to the CFB's policies and State statutes with regard to such force. Such training and instruction must continue on an annual basis.

Before carrying an authorized device, all agents must 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 must continue on an annual basis.

Agents will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the agent requiring the use of a device or object that has not been authorized to counter such a threat.

#### Authorized Devices

##### Firearms

The following devices have been authorized for on-duty use by special agents of the CFB:

Firearm:                      Glock Model 19  
                                      Glock Model 26  
                                      Glock Model 42  
                                      Glock Model 43

Restraints:                    Handcuffs, flex cuffs, and/or ASP transport belt

No agent will modify, alter or cause to be altered an approved device in their possession or control without the approval of the CFB Director.

#### Chemical Agent

Special agents are authorized to carry approved chemical agent only after they have successfully completed appropriate training. Chemical Agent should be carried in a safe, secure, and readily accessible manner.

Agents may use chemical agent when they perceive that weaponless control techniques are or may be insufficient to maintain lawful control. Agents may use chemical agent to control animals in situations where the animal poses a threat to agents or other individuals.

If chemical agent was utilized and an individual was taken into custody, an agent should follow the protocol of the chemical agent used to mitigate its effects as soon as feasible.

EMS should be offered to the individual as soon as practicable.

#### Handcuffs/Restraints

The purpose of handcuffs and other types of restraints is to restrain the movements of a subject or prevent further physical resistance by a subject. All subjects should be handcuffed prior to being searched to ensure safety of the agent. All subjects taken into custody should be handcuffed behind their backs and the handcuffs should be double locked to ensure the safety of the agent.

The ASP transportation device is approved for agent use and its use should be considered when transporting persons in custody. Exceptions from this procedure are appropriate when:

- the subject has an injury that does not permit handcuffing behind the back,
- the subject's age or physical limitations warrant a change in procedure; or
- it is tactically unsafe for the agent to double-lock the handcuffs.

### [Record Keeping Requirements](#)

The CFB Director must maintain records of the agency's compliance with use of force training requirements.