

St. Louis Park Police Use of Force Policy Review



“The actions of any police officer, in an instant, can impact an individual for life, and even a community for generations. Given this realization, every police officer must be centered on what is important. Service, justice and fundamental fairness – these are the foundational principles in which every police action must be grounded.”

Dr. Stephen R. Covey - The Nobility of Policing by Michael J. Nila

Use of Force Policy Overview

- Recognition of the sanctity of life
- Provide for the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others
- Adhere to our communities expectations on the use of force
- Adhere to Minnesota State Statutes on the use of force
- Adhere to the Federal Laws and case law on the use of force

Minnesota Police Accountability Act

- Critical Incident Stress Management / Peer Counseling
- Independent Use of Force Investigative Unit – BCA
- Residency Incentives
- Police Officer Standards and Training Board (POST)
- Ensuring Police Excellence and Improving Community Relations Advisory Council – POST Board
- Training in Crisis Response, Conflict Management, Cultural Diversity and Autism
- Arbitration

Minnesota Police Accountability Act

- Use of Force
 - Statewide model policy on the use of force – POST Board
 - Recognize the sanctity of life
 - Prohibits Choke holds and some physical restraints
 - Requires a duty to intercede policy
 - Report any illegal use of force
 - Statutory authority for the authorized use of deadly force changed

Force defined

- 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.
- 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.
- Deadly Force - Includes 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.

What is the policy on neck restraints/choke holds?

- Department policy prohibits choke holds except in situations where deadly force would be justified.
- Choke holds are not taught to St. Louis Park police officers as part of their training.

Is de-escalation training required?

- The Department of Justice defines “de-escalation” as “the strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility during dynamic situations on the street.”
- Communication training based on five universal truths that all people want:
 - To be treated with dignity and respect.
 - To be asked rather than being told to do something.
 - To be told why they are being asked to do something.
 - To be given options rather than threats.
 - A second chance when they make a mistake.

Is de-escalation training required?

- Annual use-of-force training integrates techniques of de-escalation to achieve positive outcomes.
- We are committed to training officers in crisis intervention tactics
- Weekly de-escalation / scenario based training and debriefing
- 8 Officers Crisis Negotiator Team

Are officers required to give a warning before shooting or using another means of deadly force

- **Yes.** Department policy states officers should give a verbal warning, if feasible, before using or attempting to use deadly force.

Do officers have to exhaust all alternatives before using deadly force?

- Yes. Department policy states that officers are required to use the least amount of force reasonably necessary to gain control or defend against attack without impairing the safety of others.

Do officers have a duty to intervene when they observe use of excessive force?

- Yes. St. Louis Park police officers are required to report misconduct, violations of rules or policies, anything that may affect the welfare of the department or any illegal activity by other officers.
- Failure to recognize and take appropriate actions when a criminal act happens, such as an assault or illegal use of deadly force, is prohibited as unsatisfactory performance.

Are officers allowed to shoot at moving vehicles?

- No, unless the officers believe they or others are in imminent danger of death or great bodily harm.

Are officers required to follow a use-of-force continuum?

- Yes. Use of force continuums are guidelines dependent upon a subjects actions and the situation, department policy states that officers are required to use the least amount of force reasonably necessary to gain control or defend against attack without impairing the safety of others.

Are officers required to follow a use-of-force continuum?

- Officer options available depending on the subjects actions and the situation
 - Command Presence
 - Verbal commands
 - Soft empty hands
 - Chemical
 - Hard empty hands / Impact weapon
 - Taser / Less Lethal
 - Deadly Force
- Officer should be able to escalate and de-escalate through the continuum
- The ability to disengage is emphasized in our training

Are officers required to follow a use-of-force continuum? (Graham Factors)

- THE REASONABLE OFFICER:
 - The question is whether reasonable officer on scene, who was aware of the legal standards pertaining to force, would have thought that the force was reasonable at the time for the situation.
- The court identified THREE KEY FACTORS based on the actions of the subject to determine the reasonableness of use of force:
 - The severity of the crime
 - Whether the suspect posed an immediate threat to the public or officer
 - Whether the subject fled or resisted arrest

Are officers required to thoroughly document and make a comprehensive reporting of use/threatened use of force?

- Yes. Department policy requires officers using or threatening the use of deadly or non-deadly force to prepare a “Response to Resistance Report,” in addition to all other needed reports about the event. This report is subject to review by the officer’s immediate supervisor and two members of the department’s command staff to ensure appropriateness and compliance with department policy.
- Information on the use of force is submitted to the BCA and then to the FBI databases.

SLP PD Use of Force Statistics

- 2019 – 46,580 calls for service, 128 times officers used force or .27% of the total calls for service.
- 2018 – 42,967 calls for service, 112 times officers used force or .26% of the total calls for service.
- 2017, 2018, 2019 no complaints related to Use of Force.

Opportunities

- Policy updates
 - Affirmative statements
 - Include Duty to Intervene in the U of F Policy
 - Comprehensive policy review to the POST Board model policy due by 12-15-2020
- Training enhancements
- Council and Community Engagement