



# McMinnville

## Police Department

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June 9, 2020

Recently I have received communication regarding current MPD policies surrounding the police department's use of force guidelines. Social media campaigns have begun encouraging their followers to initiate inquiries to their local law enforcement agencies and city, county, and state governments.

Specifically I have been asked regarding 8 policy issues (below). Some groups may claim that many law enforcement agencies do not address the eight selected policy issues. The MPD contracts with a policy provider, Lexipol, to assist us with our policies and to keep up with the most current case laws. MPD retains the ability to customize and continually review our current policies with respect to these issues.

The McMinnville Police Department will actively assess issues raised by external groups and, as always, we will carefully review all relevant policies to determine any appropriate changes. That being said, policy changes, if any, cannot be made hastily and must be based on well-reasoned consideration of all issues including research of applicable case laws, best practice and Accreditation standards. The primary mission of MPD's policy guidance and training has always been, and always will be, preservation of life.

Here are 8 policy questions:

1. **Ban Chokeholds and Strangleholds**

The McMinnville Police Department does not instruct, train, or condone any use of force that restricts blood flow to the brain or inhibits a person's ability to breathe unless deadly force is justified.

2. **Require De-escalation of Incidents**

The McMinnville Police Department recognizes that many of the incidents we are involved in can be rapidly evolving. Our officers are trained and encouraged to use de-escalation techniques whenever possible and are trained in de-escalation through both classroom and scenario based training.

3. **Require Warning Before Deadly Force when Possible.**

When possible, our officers are required to issue a verbal warning prior to using deadly force.

MPD Policy 300.4 DEADLY FORCE APPLICATIONS (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, **a verbal warning should precede the use of deadly force**, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### 4. Requires Exhaust all Alternatives before Deadly Force.

In a non-rapidly evolving situation, when containment, control, and communication is possible, officers are taught to slow down and establish a perimeter to safeguard the community. MPD Policy 300.4 DEADLY FORCE APPLICATIONS Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
  1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
  2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### 5. Duty to Intervene

Our officers are required to intercede when witness to unreasonable use of force.

MPD Policy 300.2.1 DUTY TO INTERCEDE Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force. If necessary, the offending officer shall be physically restrained to prevent the continued use of unreasonable force. An officer who observes another employee use force that is clearly beyond that which is objectively reasonable under the circumstances shall promptly report these observations to a supervisor.

#### 6. Ban Shooting at Moving Vehicles

Our officers are trained that this is rarely effective and should only be used if there is no other means to avert the threat.

MPD Policy 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES Shots fired at or from a moving vehicle are rarely effective. If feasible officers should move out of the path of an approaching vehicle. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

## 7. Require Use of Force Continuum or Similar

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances.

MPD Policy 300.3 USE OF FORCE 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.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

## 8. Require Comprehensive Reporting

Our officers document and report any use of force to supervisors and are subject to a review of their actions.

MPD Policy 300.5 REPORTING THE USE OF FORCE Any use of force by a member of this department shall be documented promptly, completely and accurately in the police report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. Whenever an officer points or displays a firearm at another person or in the direction of another person, an officer shall completely and accurately document his/her actions in the police report. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

### MPD Policy 310 USE OF DEADLY FORCE INVESTIGATIONS

310.1 PURPOSE AND SCOPE The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-use of deadly force. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

310.2 INVESTIGATION RESPONSIBILITY The McMinnville Police Department conforms to the Yamhill County Officer Use of Deadly Force Investigative Guidelines and any other regional protocol as established by law for investigating officer's use of deadly force.

310.3 TYPES OF INVESTIGATIONS Officer's use of deadly force incidents involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency or interagency team with the approval of the Chief of Police or a Division Commander.
- (b) A criminal investigation of the involved officers conducted by an outside agency or interagency team.
- (c) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

Thank you for taking the time to read this material.



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McMinnville Police Department