

IN-SERVICE USE OF FORCE LEARNING OBJECTIVES FOR PEACE OFFICERS AND PART-TIME PEACE OFFICERS

INTRODUCTION

The following learning objectives have been developed to assist law enforcement agencies in providing use of force continuing education to officers. Pursuant to MN STAT 626.8452 this training must be provided to all peace officers and part-time peace officers annually and each officer is required to receive instruction relative only to weapons and equipment the officer is issued or authorized to use. The term annually has been defined by the POST Board to mean at least once per calendar year.

There are many formats for delivering continuing education. Agencies are encouraged to explore creative and co-operative means of providing this education. Each law enforcement agency must determine minimum competency levels appropriate for agency personnel and nothing in these objectives prohibits an agency from developing additional objectives, or setting higher standards. Agencies are also encouraged to submit suggestions for revisions to these objectives to the POST Board.

A. USE OF FORCE

General learning goal: The officer will explain the criteria that are used to determine when force may be employed, the circumstances that justify the use of deadly force, and the liabilities attached to the use of force.

Performance Objectives:

1. The officer will identify the four instances in which MN STAT 609.06 subd. 1(a)-(d) authorizes a public officer to use reasonable force.
2. The officer will demonstrate familiarity with the agency's policies concerning the use of deadly force.
3. The officer will explain why MN STATS 629.32 and 629.33 are relevant to use of force.
4. The officer will explain the concept of objectively reasonable use of force by peace officers and factors that influence the tool, technique or tactic an officer may choose to use in a situation. The following concepts will be discussed:
 - a) Verbal skills.
 - b) Empty hand techniques.
 - c) Intermediate weapons.
 - d) Deadly Force.
 - e) Totality of the circumstances.

5. The officer will explain how, normally less lethal techniques and weapons may become lethal.
6. The officer will demonstrate knowledge of the circumstances under which a peace officer may use deadly force under MN STAT 609.066.
7. The officer will demonstrate familiarity with the agency's policies concerning the use of force.
8. The officer will explain the civil, criminal, licensing, and employment consequences of unlawful or unreasonable use of force.

B. READINESS ASPECTS OF USE OF FORCE

General learning goal: The officer will explain the importance of mental and physical readiness, and the necessity for post-critical incident trauma evaluation relative to the use of force.

Performance Objectives:

1. The officer will explain how extremely stressful situations will affect physical and mental functioning. The explanation must cover the following.
 - a) Breathing and circulation.
 - b) Changes in sensory perception.
 - c) Changes in motor skills.
 - d) Physical trauma
2. The officer will identify the symptoms of "critical incident trauma" and discuss the need for evaluating and treating their effects, to include:
 - a) Sleep disturbances.
 - b) Emotional distancing.
 - c) Hyper-alertness or exaggerated startle response.
 - d) Memory impairment or trouble concentrating.
 - e) Inability to express feelings.
3. The officer will explain the concept of "post-shooting trauma" and discuss the agency's response to officers involved in deadly force and other critical incidents.
4. The officer will explain the concept that people can have varying responses when force, including deadly force, is applied.

C. PROFICIENCY WITH UNARMED CONTROL MEASURES

General learning goal: The officer will demonstrate proficiency and explain the importance of unarmed control measures which are authorized by the officer's agency.

Performance Objectives:

1. The officer will demonstrate proficiency in the following areas:
 - a) Verbalization/command skills.
 - b) Handcuffing (and other restraining devices) skills.
 - c) Weapon retention-authorized firearms and other equipment.
 - d) Empty hand techniques.

D. PROFICIENCY WITH INTERMEDIATE FORCE WEAPONS

General learning goal: The officer will discuss and demonstrate proficiency with the various intermediate weapons used by the agency.

Performance Objectives:

1. If the officer is issued or authorized to carry or use chemical aerosols, impact weapons, specialty impact munitions, electronic weapons, or other intermediate weapons, the officer will demonstrate proficiency in the use of these weapons consistent with agency policy(s).

E. PRINCIPLES OF FIREARMS USE

General learning goal: During the course of practical firearms training, (sections F and G) the officer will demonstrate knowledge of firearms safety, firearms maintenance, handgun shooting principles and familiarization with authorized firearms. This training will be consistent with agency policies and individual officer assignments.

Performance Objectives:

1. The officer will demonstrate safe handling of all firearms used during training.
This will include:
 - a) Safely and correctly loading and unloading the firearms.
 - b) Safely and correctly holstering and drawing the firearms.
 - c) Safely and correctly clearing malfunctions.
 - d) Safely and correctly maintaining authorized firearms.
2. The officer will describe the various methods of handling and storing firearms while off-duty in compliance with MN STAT 609.666. The need for security of firearms kept in the officer's home will also be explained.
3. The officer will identify authorized firearms categories and corresponding

ammunition utilized by the agency.

4. The officer will explain situations in which use of the weak hand may be required.
5. ~~The officer will explain the circumstances that justify the use of deadly force by peace officers.~~

F. HANDGUN RANGE EXERCISES

General learning goal: Any officer who is issued or is authorized to carry a handgun, will effectively and safely utilize the authorized handgun(s) on a qualification course of fire.

Performance Objectives:

1. The officer will demonstrate effective techniques in the following areas:
 - a) Close encounter shooting.
 - b) Shooting from cover.
 - c) Reloading Techniques.
 - d) Weapon/reaction hand shooting.
2. The officer will fire a qualification course consisting of no less than 50 rounds. The course of fire may be conducted with duty ammunition, or with lead free, frangible, or non-toxic ammunition that has ballistic performance similar to the issued service ammunition.
3. During the course of fire, the officer will fire from close, medium and long range. Close range means less than 7 yards; medium range means 7 to 14 yards; and long range means 15 to 25 yards (Suggested use of ammunition allotment: 50% at close range; 40% at medium range and 10% at long range.)
4. The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.

G. OTHER FIREARMS RANGE EXERCISES

General learning goal: Any officer who is authorized to use other firearms (shotgun, rifle, etc.) will effectively and safely utilize these firearms in a qualification course of fire.

Performance Objectives:

1. Given a qualification course of fire, the officer will successfully complete the following:

- a) At varying distances, the officer will demonstrate proficiency in the use of other firearms which the officer is authorized to use.
- b) The officer will fire the weapon(s) from varying distances. The officer will also observe the shot pattern and dispersal of rounds which result from the deviations of distance.
- c) During this exercise, the officer may use duty ammunition, or lead-free, frangible, or non-toxic ammunition that has ballistic performance similar to the issued service ammunition. It is recommended that officers' duty ammunition, if not expended during the yearly course of fire, be replaced at least every two years.
- d) The agency will determine the minimum proficiency to be obtained for successful completion of the exercise.
- e) The officer will fire a minimum of 10 rounds during this exercise.

H. FIREARM SELECTION

General learning goal: The officer will identify the situations and considerations involved in determining which firearm (handgun or other firearm) is appropriate in various tactical situations.

Performance Objectives:

- 1. The officer will identify important considerations when deciding which firearm should be used in a tactical situation, to include:
 - a) The physical environment.
 - b) The number of suspect(s).
 - c) The weapons available to suspect(s).
 - d) The presence of bystanders, hostages, or other innocent persons.
 - e) The presence and deployment of assisting officers.
 - f) The officer's level of training with authorized weapons.
 - g) The firearms policy of the agency.
 - h) The potential for ricochet, projectile pattern and projectile penetration.
- 2. The officer will describe and compare the recognized or effective range of various firearms authorized by the agency.

I. USE OF FIREARMS IN LOW LIGHT AND IN ADVERSE WEATHER

General learning goal: The officer will demonstrate the ability to deal with the special problems associated with the use of firearms in low light and in adverse weather.

Performance Objectives:

1. The officer will demonstrate the ability to deal with the following problems associated with use of authorized firearms in low light:
 - a) Muzzle flash.
 - b) Target identification.
 - c) Target accuracy.
2. The officer will demonstrate the ability to solve the following problems associated with adverse weather conditions:
 - a) Firearm malfunction.
 - b) Firearm control.
 - c) Use of gloves.
 - d) Reduced mobility in drawing and firing the handgun due to heavy clothing.
 - e) Limitations of access to handguns due to heavy outer clothing.
 - f) Impact of cold weather in reducing motor function of the extremities.

Policy and Procedure

5-300 Use of Force

5-301 PURPOSE (10/16/02) (08/17/07) (07/28/16)

- A. Sanctity of life and the protection of the public shall be the cornerstones of the MPD's use of force policy.
- B. The purpose of this chapter is to provide all sworn MPD employees with clear and consistent policies and procedures regarding the use of force while engaged in the discharge of their official duties. (Note: MPD Training Unit Lesson Plans – Use of Force, are used as a reference throughout this chapter.)

5-301.01 POLICY (10/16/02) (08/17/07)

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

5-301.02 STATE REQUIREMENTS (10/11/02)

The MPD shall comply with Minn. Stat. §626.8452 to establish and enforce a written policy governing the use of force, including deadly force and state-mandated pre-service and in-service training in the use of force for all sworn MPD employees. (08/17/07)

5-302 USE OF FORCE DEFINITIONS (10/16/02) (10/01/10)

Active Aggression: Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. A subject engages in active aggression when presenting behaviors that constitute an assault or the circumstances reasonably indicate that an assault or injury to any person is likely to occur at any moment. (10/01/10) (04/16/12)

Active Resistance: A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control. (10/01/10) (04/16/12)

Deadly Force: Minn. Stat. §609.066 states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force." (10/01/10)

Flight: Is an effort by the subject to avoid arrest or capture by fleeing without the aid of a motor vehicle. (10/01/10)

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

Non-Deadly Force: Force that does not have the reasonable likelihood of causing or creating a substantial risk of death or great bodily harm. This includes, but is not limited to, physically subduing, controlling, capturing, restraining or physically managing any person. It also includes the actual use of any less-lethal and non-lethal weapons. (08/17/07)

Objectively Reasonable Force: The amount and type of force that would be considered rational and logical to an "objective" officer on the scene, supported by facts and circumstances known to an officer at the time force was used. (08/17/07)

Passive Resistance: A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer's control efforts. (10/01/10) (04/16/12)

Use of Force: Any intentional police contact involving:(08/17/07) (10/01/10)

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another; or
- Any physical strike to any part of the body of another;
- Any physical contact with a person that inflicts pain or produces injury to another; or
- Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

5-303 AUTHORIZED USE OF FORCE (10/16/02) (08/17/07)

Minn. Stat. §609.06 subd. 1 states, "When authorized...except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

When used by a public officer or one assisting a public officer under the public officer's direction:

- In effecting a lawful arrest; or
- In the execution of legal process; or
- In enforcing an order of the court; or
- In executing any other duty imposed upon the public officer by law."

In addition to Minn. Stat. §609.06 sub. 1, MPD policies shall utilize the United States Supreme Court decision in *Graham vs Connor* as a guideline for reasonable force.

The *Graham vs Connor* case references that:

"Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each particular case, including:

- The severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;
- Whether he is actively resisting arrest or attempting to evade arrest by flight.

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPD employees shall write a detailed, comprehensive report for each instance in which force was used.

13.43 - Personnel Data

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MPD Employee Complaint Profile Card (LEVEL I)
MPD Internal Summary

This profile card contains PRIVATE DATA and any review, disclosure, copying, distribution or use of this information is governed by the Minnesota Government Data Practices Act.

Type in a Name and/or Badge Number:
(Or select from dropdown list. Only one MPD Employee Complaint Profile Card can be viewed at a time.)
BRAZEAU, PETER (0750)

Employee Card for BRAZEAU, PETER (0750)

[illegible]

Abbreviation Key:
ROD = Relieved of Duty; S = Sustained;

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Type in a Name and/or Badge Number:
(Or select from dropdown list. Only one MPD Employee Complaint Profile Card can be viewed at a time.)
BROWN, ALEXANDER (0820)

Employee Card for BROWN, ALEXANDER (0820)

Incident Date	Case Number	Type	Policy	Subsection	Policy/Procedure	Level	Outcome	Action	Status
13.43									
									Open
									Open
									Open

Abbreviation Key:
ROD = Relieved of Duty; S = Sustained;

McLean, Matthew

From: Hayden, Angie B.
nt: Friday, April 21, 2017 9:39 AM
To: McLean, Matthew
Subject: FW: Officer Peter Brazeau

From: Thad Tudor [<mailto:Thad.Tudor@hennepin.us>]
Sent: Thursday, April 20, 2017 11:16 AM
To: Hayden, Angie B.
Subject: Officer Peter Brazeau

Angie,

Jess Immerman tells me you are the person to address with a letter like this. I know next to nothing about his 13.43 - Personnel Data but from my perspective, MPD needs more officers like Brazeau. First, if you read his report on this case (CCN MP-16-008609), it was extremely well done and thorough. This was a brutal attempted murder, and he handled his job like a seasoned veteran, and he obviously cared about what he was doing.

Then, the guy didn't complain once. Not when he came in to prepare, not when we called him to testify, and not when the City Attorney's Office started jerking him around on a misdemeanor trial taking place at the same time as this one. (I actually called him, then stepped into the hallway to learn the City had pulled him up and told him to wait on a different floor). And when he took the stand, he testified like a professional. He had obviously studied his report. He was pleasant, prepared, and most importantly, inherently credible. One of the defense attorneys even praised him during his closing argument. That is a rarity, and tells you the case went well. I learned later this was his first time to testify---ever.

I could go on, but others in my office who saw him testify agreed, he was the star of this case (that includes the Judge). If you have any questions, please don't hesitate to contact me. Thank you!

Thad N. Tudor
Sr. Asst. County Attorney
612-543-0525

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McLean, Matthew

From: Styles, Deborah A.
Sent: Thursday, April 27, 2017 2:46 PM
To: Novak, James; Laluzerne, John; Tucker, Christopher; McLean, Matthew
Cc: Reed, Andrew; Brazeau, Peter A.
Subject: State's successful prosecution of the State v. Elisa Wier

Attention Supervisory Personnel:

By this email, I want to convey my appreciation for the assistance of Officer Peter Brazeau and Officer Andrew Reed in connection with my recent successful criminal prosecution in the matter of *State of Minnesota v. Elisa Wier*, 27CR16-29155. This case was about the defendant's behavior on scene during a 11/1/16 incident. As the prosecutor assigned to handle that trial, much preparation was necessary. My job was made much more difficult considering the defendant's claim of the excessive use of force; and also since the alleged domestic assault victim was, effectively, unavailable to the State to be called as a witness during the trial.

Despite Officer Brazeau's very limited experience in testifying in criminal cases, his testimony along with that of his partner, Officer Andrew Reed, were of paramount significance to the State's efforts at holding Ms. Wier accountable for her behavior. The testimony of both these officers, including their articulate explanation of the applicability of the MPD's Defense and Control Training techniques used on scene during the 11/1/16 incident aided the State's prosecution efforts. The jury did find Ms. Wier guilty of the misdemeanor crime of Obstruction of Legal Process.

I am grateful for the officers' preparation and assistance during that trial.

Respectfully,

Deborah Styles
Assistant Minneapolis City Attorney

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