

**RESOLUTION NO. 4391**

**A RESOLUTION ESTABLISHING CITY OF MILES CITY POLICE DEPARTMENT  
POLICY MANUAL REGARDING USE OF FORCE**

*WHEREAS*, the City of Miles City has established certain police policies for employees of the Miles City Police Department, which are set forth in the City of Miles City Police Department Policy Manual;

*AND WHEREAS*, the City Council finds that certain revisions to such policies should be adopted;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
MILES CITY, MONTANA AS FOLLOWS:**

1. That the following revised policy: Use of Force attached as Exhibit "A"
2. Such policy shall become effective February 9, 2021 upon the passage of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED  
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS  
9<sup>TH</sup> DAY OF FEBRUARY, 2021.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary Rowe, City Clerk



## MILES CITY POLICE DEPARTMENT

### Policy

#### EXHIBIT "A"

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#### **USE OF FORCE**

*This policy recognizes that the use of force by law enforcement officers requires constant evaluation. Even at its lowest level, the use of force by police is a serious responsibility. The purpose of this policy is to provide officers of Miles City Police Department with guidelines on the reasonable use of force.*

This policy consists of principles to be followed in activities directed toward attainment of the Agency objectives of serving our community and keeping the peace

#### **POLICY**

**Purpose: The purpose is to provide policy guidelines on the reasonable use of force by officers and to ensure that this agency's use of force policies adhere to all existing applicable federal, state, and local laws.**

1. The use of a choke hold, which is a physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation, is prohibited unless deadly use of force is authorized.
2. Each use of force situation is unique and will be evaluated based on the circumstance faced by the officer at the time force is applied. Officers may use the amount of force, which is objectively reasonable to make an arrest or gain control of a situation. As the situation that necessitated the use of force diminishes, so too shall the use of force.
23. Many force and equipment options are available to the officer. The officer should choose the appropriate option based on the threat, either actual or perceived, including but not limited to: Officer presence, verbal direction, physical control, electronic control devices, chemical or inflammatory agents, impact weapons, firearms, vehicles, and/or weapons of necessity or opportunity.

#### **PROCEDURE**

1. The following procedures supplement and provide guidance in application of force.
2. Officers should use tactics and or weapons as necessitated by the situation.
3. When deploying any force, for any reason, officers shall exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should given consideration to background, bystanders, and location.
4. A supervisor will be notified and respond to all cases where the use of force resulted in any known injury or death.
5. An officer is justified in the use of force likely to cause death or serious bodily harm only if the officer reasonably believes that such force is necessary to prevent imminent death or serious bodily harm to the officer or another or to prevent the commission of a forcible felony.
6. Officers may use deadly force to affect the capture or prevent the escape of a felony suspect whose flight is reasonably believed to represent an imminent threat of serious bodily harm or death to the officers or other person(s).

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## MILES CITY POLICE DEPARTMENT

### Policy

#### EXHIBIT "A"

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7. Officers may discharge a firearm at a moving vehicle or from a moving vehicle if it is necessary to do so to protect against an imminent threat of serious bodily harm or death to the officers or others.
8. Officers should not fire warning shots.
9. Whenever the use of force results in an injury, officers should institute appropriate first aid procedures for anyone taken into custody or who needs medical treatment. Officers should follow established procedures for treatment or decontamination.
10. A vehicle is a law enforcement tool, which is capable of inflicting serious injury or death when used as an offensive weapon. Therefore, its use should be considered in the same manner as any use of deadly force.

#### *USE OF DEADLY FORCE WHETHER OR NOT INJURIES OR DEATH RESULT*

- 1 Any officer involved in the use of deadly force shall be allowed to consult with a representative or other person of the officer's choosing prior to being required to give an oral or written statement about the use of deadly force. Such right to consult with a representative or other person shall not unduly delay the giving of the statement. This does not preclude initial inquiries by the responding supervisor.
- 2 The officers shall be afforded the opportunity to consult with a mental health provider at the Agency's expense. If the use of force results in death, the officers involved shall be required to consult with a mental health provider at the Agency's expense, prior to return to duty.
3. Any officer who is witness to, or has information as to the use of force occurrence will prepare an appropriate report.
- 4 The officer's immediate supervisor shall respond to the scene and shall determine which support services, including but not limited to investigative and identification personnel, would be beneficial to the reporting and evaluation of the occurrence and should request the response of these units as appropriate. In addition, a supervisor's report will be prepared detailing the activity regarding the incident. The agency administrator shall be notified as soon as practical.
- 5 When a death has occurred as the result of the use of force, the Agency shall notify the county coroner's office as soon as practical.

#### *DESTRUCTION OF INJURED OR DANGEROUS ANIMALS*

- 1 The destruction of an animal is justified for:
  - a. self-defense;
  - b. to prevent substantial harm to the officer or another; or
  - c. when the animal is believed to be so badly injured that humanity requires its relief from further suffering.
- 2 Supervisory approval should be obtained when time and circumstances permit.

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**MILES CITY POLICE DEPARTMENT**

**Policy**

**EXHIBIT "A"**

3. Officers using such force against animals will prepare an appropriate report detailing the incident, paying particular attention to the circumstances requiring the immediacy of the situation.

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***REPORTING USE OF FORCE***

1. A report should be made in all occasions where use of force was utilized regardless of whether or not injuries occurred.
2. Officers using force will document the use of such force in the official reports of the incident and will, in addition, notify their immediate supervisor of such use of force as soon as practical after the occurrence. Reports will be written, documenting the use of force whether or not an arrest is made.
3. Whenever possible, photographs of any injury should be taken to be included with the report.
4. In instances where the use of force resulted in an injury, a supervisor will respond to the scene and/or hospital, and will document the findings on a supplemental report.

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