

MINNEAPOLIS POLICE DEPARTMENT

**SPECIAL ORDER**



BY ORDER OF THE CHIEF OF POLICE

|                                                                                                             |                                      |                     |                                        |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------|----------------------------------------|
| DATE ISSUED:<br>December 9, 2020                                                                            | DATE EFFECTIVE:<br>December 22, 2020 | NUMBER:<br>SO20-027 | PAGE:<br>1 of 38                       |
| TO:<br>Distribution "A"                                                                                     |                                      |                     | RETENTION DATE:<br>Until Rescinded     |
| SUBJECT:<br><b>Manual Revision – 5-300 Use of Force<br/>5-301 Use of Force, 5-302 Force Control Options</b> |                                      |                     | APPROVED BY:<br><i>Chief Arradondo</i> |

MP-8806

**Introduction:** This chapter is being updated to incorporate some required items from the POST model policy, and to clear up some additional elements. The Remote Restraint Device section was removed from 5-302 because the pilot project with the Bola Wrap™ has been discontinued by the MPD.

Effective with the issuance of this Special Order, Chapter 5-300 of the MPD Policy and Procedure Manual shall be amended as follows:

**5-301 USE OF FORCE**  
**(09/08/20) (12/22/20)**  
**Revisions to prior policies: (10/11/02) (10/16/02) (08/17/07) (12/15/09)**  
**(10/01/10) (04/16/12) (06/01/12) (09/23/15) (07/28/16) (08/18/17) (06/16/20)**  
**(07/17/20)**

**I. PURPOSE**

**A. Sanctity of Life**

Sanctity of life and the protection of the public are the cornerstones of the MPD's use of force policy. Officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.

**B. State Requirement for Policy**

MN Statute section 626.8452 requires the MPD 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.

This policy is to be reviewed annually.

## C. Use of Force Chapter Purpose

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 their official duties. This policy applies to all licensed peace officers engaged in the discharge of official duties.

## II. DEFINITIONS

**De-escalation:** ~~A dynamic spectrum of integrated strategies and tactics attempted by officers to lower the intensity of interactions between police, people in crisis or potentially violent individuals, and the public, with the goal of gaining voluntary compliance and avoiding or minimizing use of physical force.~~ 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.

**Exigent Circumstances:** A rare emergency situation requiring swift action to prevent imminent danger to life or serious harm to another.

**Flight:** Is an effort by the subject to avoid arrest or capture by fleeing without the aid of a motor vehicle.

**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.

**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.

**Reportable Force:** Force used that is required to have some level of Force Reporting in accordance with this policy [IV-B].

### Subject Behaviors:

**Compliant:** The person contacted by an officer acknowledges direction or lawful orders given and offers no passive, active, aggressive or aggravated aggressive resistance.

**Passive Resistance:** The subject is not complying with an officer's commands and is uncooperative but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include:

- standing stationary and not moving upon lawful direction
- falling limply and refusing to use their power to move (becoming "dead weight")
- holding onto a fixed object or locking arms to another during a protest or demonstration

**Active Resistance:** The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control but are not directed at harming the officer. Examples include:

- walking or running away
- breaking the officer's grip

**Subject Intent to Harm:**

**Aggressive Resistance or Assault:** The subject displays the intent to harm the officer, themselves or another person and to prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject:

- taking a fighting stance
- punching, kicking, striking
- ~~attacking with weapons~~
- taking other actions which present an imminent threat of physical harm to the officer or another

**Aggravated Aggressive Resistance or Aggravated Assault:** The subject's actions are likely to result in death or ~~serious~~ great bodily harm to the officer, themselves or another. These actions may include:

- use of a firearm
- use of a blunt or bladed weapon
- extreme physical force

**Use of Force:** An intentional, direct or indirect, bodily contact that causes pain or injury or restricts someone's movement. Intentionally placing someone in fear of such contact, or threatening such contact, also constitutes force. This includes, but is not limited to:

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another;
- Any physical strike to any part of the body of another;
- Any physical contact or threat of contact by the officer or a weapon that causes or threatens to cause pain or injury to another;
- Any physical contact or threat of physical contact by the officer that results in restraint or physical manipulation of the physical movement of another;
- Unholstering or displaying a weapon, when engaged with a subject or subjects.

**Low-Level Force:** Force not intended to and with a low probability of causing injury.

**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 weapons and other weapons not normally considered deadly force options, when used consistent with MPD training and policy.

**Less-Lethal Weapon:** A weapon that does not have a reasonable likelihood of causing or creating a substantial risk of death or great bodily harm.

**Deadly Force:** MN Statute section 609.066 states that Deadly Force means: “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.”

### III. POLICY

#### A. Force Guiding Principles

##### 1. Legal Standards and Authorizations

###### a. U.S. Constitutional standards

The Fourth Amendment of the United States Constitution and Section 10 of the Minnesota Constitution’s Bill of Rights state:

“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.”

###### b. Statutory Authorization

MN Statute section 609.06 subd. 1 states: “Except as otherwise provided in subdivisions 2 and 3, 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.”

##### 2. Do No Harm

In accordance with the Sanctity of Life cornerstone, the principle of Do No Harm provides a guiding light from which all decisions shall flow.

- a. Sanctity of life and the protection of the public are the cornerstones of the MPD’s use of force policy. Sworn law enforcement officers have been granted the extraordinary

authority to use force when necessary to accomplish lawful ends. Officers must recognize and respect the sanctity of life and value of all human life when making decisions regarding the use of force.

- b. Officers shall 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 the officer.

### 3. Objectively Reasonable Force Consistent with Policy, Law and Training

- a. ~~Based on the Fourth Amendment's "reasonableness" standard, sworn~~ 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.~~

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

- ii. ~~a. Sworn MPD employees should use the lowest level of force needed to safely control a subject regardless of what action the subject takes with the officer.~~  
*[Moved from Proportionality of Force]*  
Sworn MPD employees should use the lowest level of force necessary for safety and control; ~~b. When lower levels of force do not work, would not work or are too unsafe to try, higher levels of force may be used for control and safety. Force may also be used for life-saving purposes.~~

- iii. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used. ~~Additional force~~ Force ~~used against a restrained or handcuffed individual shall be viewed with increased scrutiny in determining reasonableness.~~  
*[Moved from Proportionality of Force]*

- iv. These facts and circumstances shall be articulated when documenting force (in accordance with the Force Reporting section in this policy).  
*[Moved from Proportionality of Force]*

- b. Sworn MPD employees are only authorized to use force consistent with MPD training. Just because force is legally justified does not automatically mean that using force or the level of force is authorized by policy; for example, some specific types of use of force are limited to specific circumstances and force must comply with all applicable sections of policy including those related to de-escalation.

Some specific examples include that:

- While MN Statute includes Choke Holds as legally permissible in Deadly Force situations, MPD officers are prohibited from using such techniques (see the Prohibition on Neck Restraints and Choke Holds section in P&P 5-302).
  - Discharging firearms at motor vehicles is restricted under the Firearms section in P&P 5-302.
- c. Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion.
  - d. Officers shall exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from officers.

#### 4. Announce Arrests

When making an arrest officers shall verbally announce the arrest to the subject, when possible feasible, in accordance with arrest, search and seizure, and warrant-related policies and procedures (P&P 9-100, P&P 9-200 and P&P 9-300), and consistent with training.

- a. When force may be used to make an arrest

In accordance with MN Statute section 629.33, if an officer has informed a subject that the officer intends to arrest the subject, and if the subject then flees or forcibly resists arrest, the officer may use all necessary and lawful means to make the arrest but may not use deadly force unless authorized to do so under section 609.066. Such force shall be consistent with all sections in P&P 5-300.

- b. Minimum restraint allowed for arrest

In accordance with MN Statute section 629.32, an officer making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention.

- c. Inform subject about warrant

In accordance with MN Statute section 629.32, the officer shall inform the subject that the officer is acting under a warrant, and shall show the subject the warrant if requested to do so. An arrest by an officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. An officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

NOTE: The officer can show the warrant via the squad computer.

#### ~~5. Proportionality of Force~~

*[Moved to Objectively Reasonable Force section]*

- ~~a. Sworn MPD employees should use the lowest level of force needed to safely control a subject regardless of what action the subject takes with the officer.~~
  - ~~i. Force should only be used when in proportion to the threat of harm to officers or others or to the extent of threatened property damage. The use of force must be legally justified, reasonably proportionate to the threat posed, and balanced with the societal interest at stake.~~
  - ~~ii. Additional force used against a restrained or handcuffed individual shall be viewed with increased scrutiny in determining reasonableness.~~
- ~~b. When lower levels of force do not work, would not work or are too unsafe to try, higher levels of force may be used for control and safety. Force may also be used for life saving purposes.~~
  - ~~i. The level of force used is determined by known, articulable facts at the time of the use of force action.~~
  - ~~ii. These facts **shall** be articulated when documenting force (in accordance with the Force Reporting section in this policy).~~

## **B. Authorized Use of Deadly Force**

In accordance with ~~recently passed legislation amending~~ MN Statute section 609.066 subd. 2:

1. The use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:
  - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
    - i. can be articulated with specificity by the law enforcement officer;
    - ii. is reasonably likely to occur absent action by the law enforcement officer; and
    - iii. must be addressed through the use of deadly force without unreasonable delay; or
  - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause [1-a], items [i] to [iii], unless immediately apprehended.
2. A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer 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 peace officer or to another under the threat criteria in clause [1-a], items [i] to [iii].

In accordance with ~~recently passed legislation amending~~ MN Statute section 626.8452 subd. 1a:

3. Officers shall not use deadly force except in accordance with MN Statute section 609.066, and even in those circumstances officers shall first consider all reasonable alternatives including less lethal measures, before using deadly force.

Warn of intent:

4. Where feasible, officers shall identify themselves as law enforcement officers and warn of their intent to use deadly force.

**C. Duty to Intervene**

1. Sworn employees have an obligation to protect the public and other employees.
2. Regardless of tenure or rank, any sworn employee who observes another employee use any prohibited force, or inappropriate or unreasonable force (including applying force when it is no longer required), must attempt to safely intervene by verbal and physical means, and if they do not do so shall be subject to discipline to the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.

**D. Officers' Actions Leading to Unnecessary Risk**

1. Officers' Actions that Unnecessarily Place Themselves, Suspects, or the Public at Risk

An officer's conduct or actions may influence the amount of force used in each situation. A lack of reasonable or sound tactics can limit options available to officers, and unnecessarily place officers and the public at risk.

- a. Officers shall use reasonableness, sound tactics and available options during encounters to maximize the likelihood that they can safely control the situation.
- b. Officers shall not purposefully use words or actions that a reasonable officer would conclude are intended to incite or escalate reactive behavior. Prohibited conduct includes but is not limited to taunting individuals.

2. Officers' Actions to Safeguard the Sanctity of Life

Officers should consider their positioning and attempt to place themselves in the best tactical position possible, in order to maximize their ability to safely resolve a dangerous threat. The sanctity of life should be the guiding principle for officers during these situations and they should attempt to reduce the likelihood of a deadly force encounter as much as possible.

**E. Medical Treatment and Use of Force**



1. Any sworn MPD employee who uses force shall, as soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary (in accordance with P&P 7-350). Some force control options involve or require additional medical attention. This includes subjects who have visible injuries, lose consciousness, complain of injury or request medical attention.
2. Medical aid rendered consistent with policy is not a reportable use of force.

## **F. Threatening the Use of Force**

As an alternative or precursor to the actual use of force, MPD officers shall consider verbally announcing their intent to use force, including displaying an authorized weapon as a threat of force, when reasonable under the circumstances. The threatened use of force shall only occur in situations that an officer reasonably believes may result in the authorized use of force. This policy shall not be construed to authorize unnecessarily harsh language.

## **G. De-escalation**

1. When all of the reasonably known circumstances indicate it is safe and feasible to do so, officers shall:
  - a. Attempt to slow down or stabilize the situation so that more time, options and resources may become available.
  - b. Consider, based on the officer's actual observations and in the totality of the circumstances, whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to, the subject's ~~thoughts~~, emotions and behavior.
2. De-escalation tactics include, but are not limited to:
  - Requesting additional officers to the scene, which may make more force options available and may help minimize the overall force used.
  - Placing barriers between an uncooperative subject and an officer.
  - Attempting to isolate the subject and contain the scene.
  - Minimizing risk from a potential threat using distance, cover or concealment.
3. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever feasible and appropriate before resorting to force and to reduce the need for force.
4. ~~3-~~Prior to using force, officers shall attempt to use the following concepts and tactics when safe and feasible, which may help officers minimize risk to themselves and others.
  - a. Identify themselves as a police officer,
  - b. Attempt to verbally de-escalate,

- c. Attempt to use additional de-escalation tactics or control options,
  - d. Give commands to be followed; and ~~a~~Afford the person a reasonable opportunity to comply. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to comply with verbal commands before force is used.
5. ~~4~~-If use of force is initiated, force shall be de-escalated immediately as resistance decreases or control is achieved.

## **H. Report Required**

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 reportable force was used (in accordance with [IV-B]). All uses of force shall be documented and investigated pursuant to MPD's policies.

## **I. Training**

1. All officers shall receive training, at least annually, on the MPD's use of force policy and related legal updates (in accordance with P&P 2-500 and any policies related to specific tools or weapons).
2. In addition, training shall be provided on a regular and periodic basis and designed to:
  - a. Provide techniques for the use of and reinforce the importance of de-escalation.
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officers' exercise of discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the MPD's policies and MN Statutes with regard to such force (in accordance with P&P 5-302, P&P 3-204 and P&P 5-400). Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device, all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and other than deadly force situations (in accordance with P&P 3-200 and P&P 5-302). Such training and instruction shall continue on an annual basis.
5. The Chief of Police shall ensure that the MPD maintains records of the MPD's compliance with use of force training requirements.

## **IV. PROCEDURES/REGULATIONS**

## **A. Transfer of Custody**

Prior to transferring custody of a subject that force was used upon, sworn MPD employees shall verbally notify the receiving agency or employee of:

- The type of force used,
- Any injuries or alleged injuries sustained,
- Any medical aid rendered, and
- Whether EMS was called and if so, whether EMS made contact with the patient, whether the patient refused or accepted EMS, and whether the patient was transported by EMS for further treatment.

## **B. Use of Force and De-escalation Reporting**

### **1. Force and De-escalation Reporting elements**

Force and De-escalation Reporting may consist of some or all of the following elements, depending on the incident and the specific force used:

- Documenting the force used through the Use of Force details page.
- ~~Documenting the de-escalation efforts in a Use of Force incident through the Use of Force details page.~~
- Describing the incident, de-escalation efforts and the force used through a Narrative Text with the report.
- Notifying a Supervisor of the force used and the incident circumstances.

#### **a. Force Reporting in PIMS**

- i. In order to complete a Use of Force details page, a full Police Report (GO), Supplemental Report (GO) or Street Check is required so that entities can be properly entered and linked.
- ii. When force is documented in a Police Report under this policy, the report shall include the code or type "FORCE."

#### **b. Supervisor notification of force**

- i. When Supervisor notification is required, the employee who used force shall remain on scene and immediately make direct contact with a supervisor by phone or radio.
- ii. The notification to the supervisor ensures that the requirements of the Supervisor Force Review section of this policy (P&P 5-301) can be fulfilled by the supervisor.

### **2. Force Reporting timeliness**

- a. In Critical Incidents, Force Reporting shall be done in accordance with P&P 7-810. When a Police Report is required in accordance with P&P 7-810, any associated Force Reports shall be completed at the same time as the required Police Report.
  - b. In all other cases, all required Force Reporting shall be completed as soon as practical, but no later than the end of the shift.
3. Force-related items to include in Narrative Text

When documenting force in an incident through a Narrative Text with a Police Report or Street Check, officers shall describe in the narrative:

  - a. Any efforts to de-escalate prior to the use of force.
  - b. Why the officer decided to use force.
  - c. Why the officer decided to use the level or levels of force used.
  - d. Whether the subject was injured, displayed signs of an injury, or complained of an injury. This includes pre-existing injuries aggravated by or injuries suffered as the result of the force used.
  - e. Whether medical aid was rendered or Emergency Medical Services (EMS) was called, and whether the officer who used force was the same officer who rendered aid or called EMS.
  - f. Whether the subject was transported to the hospital, and if so:
    - Whether the transportation was because of force used.
    - Whether MPD, EMS or another agency made the transport.

#### 4. De-escalation Reporting Requirements

Any time a Use of Force details page is required for a Use of Force incident the officer shall document their de-escalation efforts in the Narrative text ~~Use of Force details page~~.

#### 5. Force and De-escalation Reporting Requirements

- a. No Use of Force details page, Narrative Text or Supervisor notification required

The following listed actions do not require any Force Reporting unless otherwise required by this policy:

- Presence
  - Verbal commands
- b. Use of Force details page and Narrative Text required

- i. A Use of Force details page and Narrative Text are required when any of the following listed force options or actions are deployed at or used with a subject:
  - Escort holds
  - Joint manipulation
  - Nerve pressure points (Touch pressure)
  - Handcuffing
  - Unholstering or displaying a weapon when engaged with a subject or subjects (including unholstering firearms, unfolding a baton, etc.), without pointing it at a subject
  - Verbal threats to use less-lethal weapons such as chemical agents, conducted energy weapons (CEWs), or 40mm launchers ~~or remote restraint devices~~
  - Less-lethal weapon pointing (when a less-lethal weapon is aimed or arced at a subject or subjects with the intent to use or imply the use of the weapon, including arcing or red-dotting of a CEW)
  - Chemical agent exposures in situations that are not civil disturbances or assemblies (in accordance with P&P 5-303), which require higher level reporting
  - Verbal threats to use Deadly Force
  - Firearm pointing (When a firearm is aimed at a subject or subjects with the intent to use or imply the use of Deadly Force)
- ii. The listed force options do not require Supervisor notification unless:
  - aa. An injury or alleged injury occurred.
  - ab. The incident aggravated a preexisting injury.
- c. Use of Force details page, Narrative Text and Supervisor notification required
  - i. A Use of Force Details page, Narrative Text and a Supervisor notification are required when any of the following listed force options are deployed at or used with a subject:
    - Maximal restraint technique (MRT) applications
    - Bodily force (other than escort holds, joint manipulation and nerve pressure points)
    - Takedown techniques or tackles (using physical force to direct a person to the ground)
    - ~~Remote restraint device discharges~~
    - Chemical agent exposures during civil disturbances and assemblies (in accordance with P&P 5-303)
    - 40mm less-lethal round discharges
    - Impact weapon use
    - Conducted energy weapon (CEW) discharges or drive-stun applications
    - Canine apprehensions with a physical dog bite
    - Deadly Force

- ii. A Use of Force Details page, Narrative Text and a Supervisor notification are required for any force options that were previously covered in this policy on Force Reporting when:
  - aa. An injury or alleged injury occurred.
  - ab. The incident aggravated a preexisting injury.
- iii. A Use of Force Details page, Narrative Text and a Supervisor notification are also required for any force options not covered in this policy on Force Reporting.

**C. ~~6.~~ In-custody Injury or Illness Reporting (Not From Force)**

If an individual in custody suffers an injury or an illness or aggravates a pre-existing injury, not due to force used, the sworn employee officer shall document it that in the Use of Force details page and through a Narrative Text, and shall notify a supervisor so the supervisor can respond and complete the Supervisor Force Review.

**D. ~~C.~~ Supervisor Force Review**

1. No Review of Own Use of Force

Supervisors shall not conduct a Supervisor Force Review on their own use of force.  
~~Supervisors shall not conduct a force review on any Use of Force incident in which they used any force.~~

- a. If a supervisor uses force that requires a supervisor notification per policy, they shall not conduct any Supervisor Force Review for any other sworn employees at the scene.
- b. If an individual in a supervisor's custody suffers an injury or illness not from force, the supervisor shall not conduct any Supervisor Force Review for the in-custody injury or illness.
- c. Any other supervisor of any rank who did not use such force or have custody shall conduct the Supervisor Force Reviews. ~~Any other supervisor of any rank shall conduct the force review.~~

2. On-duty Supervisor Responsibilities

The supervisor who is notified of a Use of Force or In-Custody Injury or Illness incident by any sworn MPD employee shall:

- a. Determine if the incident meets the criteria for a Critical Incident. If so, follow the Critical Incidents policy (P&P 7-810).
- b. Instruct the involved employees to have the subject remain on-scene until the supervisor arrives, if it is reasonable to do so.

- If the subject does not remain on-scene, the supervisor shall go to the subject's location, if necessary, to complete the investigation.
- c. Respond to the incident scene and conduct a preliminary investigation of the Use of Force or In-Custody Injury or Illness incident.
  - i. Debrief the employee(s) who engaged in the use of force.
  - ii. Note any reported injury or alleged injury to any individual involved.
  - iii. Photograph:
    - the force subject, including any visible injuries
    - the immediate area of the force event
    - injuries to any other individual involved in the force event
    - damage to equipment or uniforms caused by the force event
  - iv. Note any medical aid/EMS rendered to any individual involved.
  - v. Locate and review any evidence related to the force or injury incident (e.g. BWC, MVR, security video, private cameras, etc.).
  - vi. Ensure any on-scene evidence is preserved and collected.
  - vii. Locate and identify witnesses to the use of force or injury incident.
  - viii. Obtain statements from witnesses to the use of force or injury incident.
  - ix. Contact the Internal Affairs unit Commander immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct.
- d. Complete and submit both the Supervisor Use of Force Review (Template) and a Summary (Narrative Text) as soon as practical, but prior to the end of that shift.
  - i. Ensure that all actions taken in the preliminary investigation process and the information obtained from these actions are included in the Summary and that all other relevant information is entered in the appropriate sections of the report.
  - ii. If, based upon the totality of the information available at the time of the report, the supervisor feels that the use of force may have been unreasonable or not within policy, the supervisor shall:
    - State in the Summary that they believe the use of force requires further review; and
    - Notify the Commander of Internal Affairs of their findings that the force requires further review.

- e. Review all sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.

## **5-302 USE OF FORCE CONTROL OPTIONS**

**(09/08/20) (12/22/20)**

**Revisions to prior policies: (05/29/02) (10/16/02) (08/17/07) (12/15/09) (10/01/10) (04/16/12) (06/01/12) (07/16/12) (09/04/12) (06/10/13) (10/07/13) (06/13/14) (04/30/15) (09/23/15) (04/05/16) (07/28/16) (07/13/17) (04/02/18) (07/16/19) (10/18/19) (06/11/20) (06/16/20) (08/21/20)**

### **I. PURPOSE**

- A. The MPD recognizes that combative, non-compliant, armed or otherwise violent subjects cause handling and control problems that require special training and equipment.
- B. The MPD has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.
- C. This policy addresses the use and deployment of all force control options that are available to sworn employees.

Control options covered:

Restraints:

Handcuffing

Maximal restraint technique (MRT) (hobble restraint)

Bodily force

~~Remote restraint device (Bola Wrap)~~

Less-lethal 40mm launcher and impact projectiles

Chemical agents

Conducted electronic weapons (CEWs)

Impact weapons

Canine

Neck restraints and choke holds (prohibited)

Firearms

### **II. POLICY**

#### **A. Authorized Control Options and Use of Unauthorized Control Options**

- 1. Sworn MPD employees shall only carry and use MPD approved weapons for which they are currently trained and authorized to use through the MPD Training Division, except in exigent circumstances. An authorized device is a device an officer has received permission from the MPD to carry and use in the discharge of that officer's duties, and for which the officer has:

- a. Obtained training in the technical, mechanical and physical aspects of the device; and



- b. Developed a knowledge and understanding of the MPD policy, law, rules and regulations regarding the use of such a device.
- 2. All use of force control options and weapons shall be in accordance with the standards and requirements in P&P 5-301.
  - a. Force control options shall only be used in a manner that would be found objectively reasonable ~~proportional to the level of resistance encountered~~ (in accordance with P&P 5-301).
  - b. If lower levels of force are ineffective, higher levels of force may be used for control and safety, subject to any additional restrictions on specific options or limitations in P&P 5-300.
- 3. If an exigent circumstance exists that poses an imminent threat to the safety of the employee or the public requiring the immediate use an improvised weapon of opportunity, the employee may use the weapon in accordance with the standards in P&P 5-301 (including, but not limited to, the section on Objectively Reasonable Force Consistent with Policy, Law and Training ~~Proportionality of Force~~).
- 4. The use of a firearm, vehicle, less-lethal or non-lethal weapon, or other improvised weapon by an officer may constitute the use of deadly force. This policy does not prevent a sworn employee from drawing a firearm or being prepared to use a firearm in threatening situations, in accordance with P&P 5-301 and the firearm section in this policy (P&P 5-302).

## **B. Limitations on the Use of Certain Restraints**

- 1. In accordance with MN Statute section 609.06, the following restraints shall not be used unless MN Statute section 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm:
  - a. ~~1-~~ Tying all of a person's limbs together behind the person's back to render the person immobile; or
  - b. ~~2-~~ Securing a person in any way that results in transporting the person face down in a vehicle.
- 2. Less-lethal measures must be considered by the officer prior to applying these measures.
- 3. Neck Restraints and choke holds are prohibited, in accordance with the section in this policy (P&P 5-302) covering neck restraints and choke holds.

## **C. Handcuffing**

- 1. Authorized use
  - a. Arrests

- i. To minimize the risk of injury to officers and others during arrest situations, officers shall handcuff all persons arrested as soon as possible (in accordance with P&P 9-100).
  - ii. Handcuffs are authorized when transporting in-custody subjects (in accordance with P&P 9-100).
- b. Investigative detentions (“Terry Stops”)
  - i. Handcuff use during investigative detentions is authorized when one or more of the following factors are present:
    - aa. Articulate facts that the subject is physically uncooperative;
    - ab. Articulate facts that a subject’s actions at the scene may present physical danger to themselves or others if not restrained;
    - ac. Reasonable possibility of flight based on the circumstances ~~action of the subject~~;
    - ad. Information that the subject is currently armed;
    - ae. The stop closely follows a violent crime and the subject matches specific parts of a description; or
    - af. The number of subjects involved in the stop causes an articulable safety concern; or
    - ~~ag. af-~~Articulate facts that a crime of violence is about to occur.
  - ii. Care and discretion should be used with individuals at extremes of age in handcuffing ~~an such~~ individuals during an investigative detention.
  - iii. The authority to handcuff during investigatory stops continues for only as long as the circumstances above exist.
- c. Suicidal persons
 

Handcuffs are authorized when engaging a person who is reasonably believed to be suicidal.
- d. Search warrant service
  - i. Handcuffs are authorized when executing a search warrant at a private residence as is reasonably necessary to execute the warrant in safety.
  - ii. Handcuffs are authorized when executing a search warrant at a commercial business open to the public if it reasonably appears that handcuffing is necessary

to protect an officer or others from physical harm. Circumstances that justify initial handcuffing may change and eliminate continued justification.

e. Detoxification subjects

Handcuffs are authorized when transporting detoxification subjects.

2. Unauthorized use

- a. If medical circumstances make it unreasonable to handcuff an arrestee, officers shall refrain from handcuffing.
- b. When responding to a scene where a subject has already been placed in handcuffs prior to arrival, officers shall not place MPD handcuffs on the subject until they have reasonable suspicion or probable cause based on their independent investigation or findings.

3. Checking handcuffs

- a. Officers shall check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.
- b. When a handcuffed subject first complains that handcuffs are too tight or are hurting the subject, the officer having custody of the handcuffed subject shall, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. If they are too tight (per training), they shall be loosened and relocked.

**D. Maximal Restraint Technique (MRT)**

The Maximal Restraint Technique (MRT) is used to secure a subject's feet to their waist in order to prevent the movement of legs and limit the possibility of property damage or injury to the subject or others.

Hobble Restraint Device: A device that limits the motion of a person by tethering both legs together. Ripp Hobble™ is the only authorized brand to be used.

Prone Position: For purposes of this policy, the term Prone Position means to lay a restrained subject face down on their chest.

Side Recovery Position: Placing a restrained subject on their side in order to reduce pressure on the subject's chest and facilitate breathing.

1. Use of the MRT

- a. The hobble restraint device may be used to carry out the Maximal Restraint Technique, consistent with training offered by the Minneapolis Police Department on the use of the Maximal Restraint Technique and the Use of Force policy.

- b. ~~The Maximal Restraint Technique shall only be used in situations where handcuffed subjects are combative and still pose a threat to themselves, officers or others, or could cause significant damage to property if not properly restrained.~~ The Maximal Restraint Technique shall only be used on combative handcuffed subjects when objectively reasonable to prevent the escape of the subject or to prevent imminent bodily injury to the individual, the officer, or another person.
- c. Using the hobble restraint device, the MRT is accomplished in the following manner:
  - i. One hobble restraint device is placed around the subject's waist.
  - ii. A second hobble restraint device is placed around the subject's feet.
  - iii. Connect the hobble restraint device around the feet to the hobble restraint device around the waist in front of the subject.
  - iv. **Do not** tie the feet of the subject directly to their hands behind their back. This is also known as a hogtie.
- d. A supervisor shall be called to the scene where a subject has been restrained using the MRT to evaluate the manner in which the MRT was applied and to evaluate the method of transport.

## 2. Safety

- a. As soon as reasonably possible, any person restrained using the MRT who is in the prone position shall be placed in the following positions based on the type of restraint used:
  - i. If the hobble restraint device is used, the person shall be placed in the side recovery position.
- b. When using the MRT, an EMS response should be considered.
- c. Under no circumstances shall a subject restrained using the MRT be transported in the prone position.
- d. Officers shall monitor the restrained subject until the arrival of medical personnel, if necessary, or transfer to another agency occurs.
- e. In the event any suspected medical conditions arise prior to transport, officers shall notify paramedics and request a medical evaluation of the subject or transport the subject immediately to a hospital.
- f. A subject under Maximal Restraint should be transported by a two-officer squad, when feasible. The restrained subject shall be seated upright, unless it is necessary to transport them on their side. The MVR should be activated during transport, when available.

- g. Officers shall also inform the person who takes custody of the subject that the MRT was applied.

### 3. Reporting

- a. Anytime the hobble restraint device is used, officers' Use of Force reporting shall document the circumstances requiring the use of the restraint and the technique applied, regardless of whether an injury was incurred.
- b. Supervisors shall complete a Supervisor's Force Review.
- c. When the Maximal Restraint Technique is used, officers' report shall document the following:
  - How the MRT was applied, listing the hobble restraint device as the implement used.
  - The approximate amount of time the subject was restrained.
  - How the subject was transported and the position of the subject.
  - Observations of the subject's physical and physiological actions (examples include: significant changes in behavior, consciousness or medical issues).

## E. Bodily Force

- 1. Bodily force (also known as empty hand tactics) includes but is not limited to:
  - Escort holds (temporary holding of the hand, wrist, arm or shoulder to physically control or direct a subject)
  - Joint manipulations (physically contorting a subject's joint to control or limit movement)
  - Nerve pressure points (touch pressure)
  - Joint locks (manipulating a subject's joint until it reaches its maximal degree of motion and hyperextension- wrist lock, shoulder lock, elbow lock, etc.)
  - Body weight to pin
  - Takedown techniques or tackles (Using physical force to direct a person to the ground)
  - Pushes
  - Strikes (punches, kicks, knees, slaps)
- 2. Neck restraints and choke holds are considered separate control options under this policy (and are not included as bodily force).
- 3. Strikes (punches, kicks, knees, slaps)
  - a. Strikes may be used:
    - i. On subjects who are exhibiting Aggressive Resistance or Assault, or;
    - ii. For life saving purposes, or;

- iii. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
- b. ~~Strikes (punches, kicks, knees, slaps) shall not be administered to~~used against persons who are Compliant or are Passively ~~or Actively Resisting~~ as defined by policy.
- 4. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when officers administer strikes, or if bodily force causes a subject's head to strike an object or surface, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the medical condition until they are released to medical or other law enforcement personnel.

#### **F. Remote Restraint Device**

~~The BolaWrap™ is the only currently authorized remote restraint device. It is a hand-held device that discharges an eight foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.~~

- 1. ~~Remote restraint device authorization~~
  - a. ~~The purpose of a remote restraint device is to facilitate a safe and effective response by immobilizing and controlling resistive or non-compliant persons and persons with known or suspected mental health issues, and minimizing injury to suspects, subjects, and officers.~~
  - b. ~~The remote restraint device has limitations and restrictions requiring consideration before its use. The device shall only be used when its operator can safely approach the subject within the operational range of the device. Although the device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.~~
  - c. ~~The remote restraint device should not be used in potentially deadly force situations without firearm backup.~~
    - i. ~~When used according to the specifications and training, the device should be considered a low level use of force.~~
    - ii. ~~Prior to using the device, officers need to consider any risks to the public or themselves.~~
  - d. ~~Only officers trained in the use of the remote restraint devices are authorized to carry and use them.~~
  - e. ~~Officers are only authorized to carry department remote restraint devices while on-duty in a patrol response function. Officers shall ensure that remote restraint devices are secured at all times.~~

## ~~2. Standard devices~~

~~Officers shall only carry MPD-approved remote restraint devices, cartridges and cutters. No personally owned remote restraint devices shall be carried or used.~~

## ~~3. Target areas~~

- ~~a. Reasonable efforts should be made to target lower extremities or lower arms.~~
- ~~b. The head, neck, chest and groin shall be avoided.~~
- ~~c. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the remote restraint device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.~~

## ~~4. Deployment~~

- ~~a. The remote restraint device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:~~
  - ~~i. The subject is violent or is physically resisting.~~
  - ~~ii. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves or others.~~
- ~~b. Remote restraint devices should not be used on individuals who are merely fleeing on foot, without other known and articulable facts or circumstances. Prior to using the device on a subject in flight the following should be considered:~~
  - ~~i. The severity of the crime at issue;~~
  - ~~ii. Whether both of the following apply:~~
    - ~~• The subject poses an immediate threat to the safety of the officer or others, and;~~
    - ~~• The officer has a reasonable belief that using the device would not cause significant harm to the subject fleeing unless use of deadly force would otherwise be permitted.~~
- ~~c. The aiming laser shall never be intentionally directed into the eyes of anyone as it may permanently impair their vision.~~
- ~~d. For tactical reasons, the deploying officer should attempt to avoid being the contact officer.~~

## 5.—Other deployment considerations

### a.—Certain individuals

~~The use of the remote restraint device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:~~

- ~~• Individuals who are known to be pregnant.~~
- ~~• Elderly individuals.~~
- ~~• Children (known to be or who appear to be under the age of 12).~~
- ~~• Individuals who are handcuffed or otherwise restrained.~~
- ~~• Individuals detained in a police vehicle.~~
- ~~• Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.~~
- ~~• Individuals near any body of water that may present a drowning risk.~~
- ~~• Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).~~

### b.—Repeated applications of the device

~~If the first application of the remote restraint device appears to be ineffective in gaining control of an individual, officers should consider certain factors before additional applications of the device, including:~~

- ~~• Whether the Kevlar cord or barbs are making proper contact.~~
- ~~• Whether the individual has the ability and has been given a reasonable opportunity to comply.~~
- ~~• Whether verbal commands, other options or tactics may be more effective.~~

### c.—Dangerous animals

~~The remote restraint device should not be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, etc. This device was not intended for use against animals. However, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective the remote restraint device may be deployed to protect against harm to suspects, subjects and officers.~~

### d.—Verbal warnings

- ~~i.—When feasible, officers should air a notification on the radio when arriving at a scene with the intention of using a remote restraint device.~~
- ~~ii.—When appropriate given the situation, officers discharging a remote restraint device should yell "Bola, Bola, Bola!" prior to and during discharge.~~



- ~~iii. Officers shall air a notification on the radio as soon as feasible after discharging a remote restraint device to alert dispatch and other officers that the sound was a device being discharged.~~
- ~~iv. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the remote restraint device in the related report.~~

#### ~~6. Carrying and storage~~

- ~~a. Officers shall only use department approved remote restraint devices that have been issued by the Department.~~
- ~~b. Only officers who have successfully completed department approved training may be authorized to carry and deploy the remote restraint device.~~
- ~~c. All remote restraint devices are clearly and distinctly marked to differentiate them from the duty weapon and any other device.~~
- ~~d. Uniformed and plainclothes officers who have been authorized to carry the remote restraint device shall wear the device in an approved holster on their person or keep the device safely and properly stored in their City vehicle.~~
- ~~e. Officers shall ensure that their remote restraint device is properly maintained and in good working order. Officers shall notify the Training Division of any issues, as the Training Division is in charge of inventory and maintenance of the devices.~~
- ~~f. Officers should not hold both a firearm and the remote restraint device at the same time.~~

#### ~~7. Medical treatment~~

- ~~a. Medical assistance shall be rendered as necessary in accordance with P&P 5-301 and the Emergency Medical Response policy (P&P 7-350).~~
  - ~~i. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:~~
    - ~~• The person is suspected of being under the influence of controlled substances or alcohol.~~
    - ~~• The person may be pregnant.~~
    - ~~• The remote restraint device pellets are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).~~
- ~~b. Officers on scene shall determine whether transporting the person to a medical facility is necessary to remove the pellets or barbs.~~

- e. ~~If officers determine that cutting the tether is reasonable and appropriate, officers may cut the tether at the scene using medical scissors.~~

#### ~~8. Use of Force reporting~~

- a. ~~Officers that deploy a remote restraint device shall report the force in accordance with P&P 5-301.~~
- b. ~~If a supervisor was not notified prior to deployment, officers who deploy the remote restraint device shall notify a supervisor to respond to the scene.~~
- c. ~~Officers shall document any injuries or points of contact, with photographs whenever possible.~~
- d. ~~A supervisor shall respond to the scene any time a remote restraint device is used. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-301.~~
- e. ~~Supervisors shall ensure that all expended cartridges, pellets, barbs and cord are collected and property inventoried if possible.~~

#### ~~9. Transport of subjects~~

~~If an officer transports the subject, the transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the remote restraint device.~~

#### ~~10. BolaWrap™ pilot device form~~

- a. ~~In addition to incident and force reporting, deployment of the remote restraint device shall be documented by each discharging officer using the BolaWrap™ Test and Evaluation form. The following information is required on the form:~~
  - ~~Device and cartridge serial numbers.~~
  - ~~Date, time and location of the incident.~~
  - ~~Whether any display or laser deterred a subject and gained compliance.~~
  - ~~Number of device activations and the duration between activations.~~
  - ~~Range at which the device was used (as best as can be determined).~~
  - ~~Locations of impact from any deployments.~~
  - ~~Whether medical care was provided to the subject.~~
  - ~~Whether the subject sustained any injuries.~~
  - ~~Whether any officers sustained any injuries.~~
- b. ~~The Training Division will periodically analyze the report forms to identify trends, including deterrence and effectiveness.~~

### **F. ~~G.~~ Less-Lethal 40mm Launcher and Impact Projectiles**

The 40mm less-lethal round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject.

1. 40mm less-lethal round authorization

- a. This policy applies to officers who are not working in a certified SWAT capacity.
- b. The 40mm launcher with the 40mm less-lethal round should not be used in deadly force situations without firearm backup.
  - i. The use of the 40mm less-lethal round should be considered a level slightly higher than the use of an impact weapon and less than deadly force when deployed to areas of the subject's body that are considered unlikely to cause death or serious physical injury.
  - ii. Prior to using less-lethal options, officers need to consider any risks to the public or themselves.
  - iii. When using the 40mm less-lethal round, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public, in accordance with knowledge and training in use of force and MPD policies governing the use of deadly and non-deadly force.
- c. Only officers trained in the use of the 40mm launcher and 40mm less-lethal round are authorized to carry and use them.
- d. Officers who are not working in a certified SWAT capacity shall not deploy 40mm launchers for crowd control purposes or in civil disturbances or assemblies, unless assigned to do so in accordance with P&P 5-303. The use of 40mm launchers in crowd control situations by officers working in a certified SWAT capacity is covered in P&P 5-303.

2. Standard projectiles

- a. Officers shall only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.
- b. The MPD Range shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. The MPD Range shall replace any rounds used or damaged as needed.

3. Target areas

- a. The primary target areas for the 40mm less-lethal round should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the ribcage area to the waist, and the larger muscle areas of the shoulder areas. Areas to avoid when using the 40mm less-lethal round are the head, neck, spinal cord, groin and kidneys.

- b. Officers shall be aware that the delivery of the 40mm impact projectiles to certain parts of the human body can cause grievous injury that can lead to a permanent physical or mental incapacity or possible death. Areas susceptible to death or possible severe injury are the head, neck, throat and chest (in vicinity of the heart). Unless deadly force is justified, officers should avoid the delivery of 40mm impact projectiles to any of the above-described areas.

#### 4. Deployment

- a. The 40mm launchers can be used when the incapacitation of a violent or potentially violent subject is desired. The 40mm launcher can be a psychological deterrent and physiological distraction serving as a pain compliance device.
- b. If a supervisor or responding officers believe that there is a call or incident that may require the use of less-lethal capability, they may request via radio or other means that an on-duty MPD-trained operator with a 40mm launcher respond to the scene.
- c. Officers shall announce over the radio that a 40mm launcher will be used, when time and tactics permit.
  - i. It is important that whenever possible, all officers involved and possible responding officers know that a 40mm less-lethal projectile is being deployed so they do not mistake the sight and noise from the deployment as a live ammunition discharge.
  - ii. 40mm launchers have an orange barrel indicating they are the less-lethal platform.
- d. When appropriate given the situation, officers firing a 40mm less-lethal projectile should yell "Code Orange!" prior to and during firing.

#### 5. Carrying and Storage

- a. 40mm launchers shall be assigned to each precinct, City Hall and specialty units as needed.
  - i. Each 40mm launcher shall be kept its own case and in a secured gun locker.
  - ii. Only commanders or their designee and MPD-trained operators will have keys to the 40mm armory lockers.
- b. MPD-trained operators shall carry the 40mm launchers during their assigned shift, when available.

#### 6. Maintenance of 40mm launchers

Only MPD certified Range personnel shall perform maintenance and repairs to the 40mm launcher.

7. Subjects injured by 40mm less-lethal projectiles
  - a. Medical assistance shall be rendered as necessary in accordance with P&P 5-301 and the Emergency Medical Response policy (P&P 7-350).
  - b. If possible, photographs should be taken of any injuries to the subject.
8. Use of Force reporting
  - a. Officers that deploy a 40mm less-lethal round shall report the force in accordance with P&P 5-301.
  - b. Officers who deploy a less-lethal round shall immediately notify dispatch, who will notify a supervisor.
  - c. A supervisor shall respond to the scene any time a 40mm less-lethal round is used. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-301.
  - d. Supervisors shall ensure that all spent 40mm less-lethal rounds are collected and property inventoried if possible.

## **G. ~~H.~~ Chemical Agents**

1. Use of Chemical Agents
  - a. MPD approved chemical agents may be used as a non-lethal use of force. The use of chemical agents shall be consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).
  - b. Chemical agents, regardless of canister size, shall only be used against subjects under the following circumstances:
    - i. During civil disturbances and assemblies, only when authorized in accordance with P&P 5-303.
    - ii. In situations not involving civil disturbances or assemblies:
      - aa. On subjects who are exhibiting Aggressive Resistance or Assault, or;
      - ab. For life saving purposes, or;
      - ac. On subjects who are Actively Resisting ~~exhibiting Active Resistance in order to gain control of a subject and if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).~~
  - c. Chemical agents shall not be used against persons who are Compliant or are Passively Resisting as defined by policy.

- d. Sworn MPD employees shall exercise due care to ensure that only intended persons are exposed to the chemical agents.
2. Treatment and Aid for Chemical Agent Exposure
    - a. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the chemical agent shall include one or more of the following:
      - Removing the affected person from the area of exposure.
      - Exposing the affected person to fresh air.
      - Rinsing the eyes and skin of the affected person with cool water (if available).
    - b. Sworn employees shall keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel.
    - c. An officer who has used a chemical agent shall inform individuals accepting custody that it was used on the person.
    - d. Use of chemical agents to prevent the swallowing of narcotics is prohibited.

## **H. ~~I.~~ Conducted Energy Weapons (CEWs)**

Terms related to Conducted Energy Weapons (CEWs):

Touch/Contact Stun: When a CEW's electrodes contact a subject's body and the trigger or arc button is activated with no cartridge or probes being deployed. Contact from the CEW with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.

Drive-Stun: ~~When a CEW with no cartridge or a spent cartridge is placed in direct contact with the body.~~ Touch/Contact Stun and Drive- When the CEW is strongly, with forceful pressure, pushed directly into a subject's nerve bundle.

Probe Mode: When a CEW is used to fire probes (also called darts) at a person for the purpose of incapacitation.

Red Dotting: Un-holstering and pointing a CEW at a person and activating the laser aiming device. In some cases, this may be effective at gaining compliance without having to actually discharge a CEW. Also known as "painting" the target.

Arcing: Un-holstering the CEW and activating the CEW for purposes of threatening its use prior to actual deployment. In some cases, this may be effective at gaining compliance without having to actually discharge a CEW at a subject.

1. CEW authorization

- a. The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is considered a less-lethal weapon.
- b. MPD officers are only authorized to carry CEWs that are issued by the department. Personally owned CEWs, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.
- c. CEWs may be used:
  - i. On subjects who are exhibiting Aggressive Resistance or Assault, or;
  - ii. For life saving purposes, or;
  - iii. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
- d. ~~e.~~ CEWs shall not be used against subjects who are Compliant or are Passively Resisting as defined by policy (P&P 5-301). ~~CEWs may be used against subjects who are Actively Resisting if lesser attempts at control have or would be likely be ineffective (in accordance with Proportionality of Force).~~
- e. ~~d.~~ CEWs should generally be used in the probe mode. Use of CEWs in the drive stun mode shall be limited to defensive applications or to gain control of a subject who is exhibiting Aggressive Resistance or Assault if lesser attempts at control have been ineffective, or if the probe mode was ineffective.

## 2. CEW Use

### a. Cycles

When using a CEW, personnel should use it for one standard cycle (a standard cycle is five seconds) and pause to evaluate the situation to determine if subsequent cycles are necessary.

- i. If subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control or place the subject in custody under the existing circumstances.
- ii. Personnel should constantly reassess the need for further activations after each CEW cycle and should consider that exposure to multiple applications of the CEW for longer than 15 seconds may increase the risk of serious injury or death.
- iii. ~~Note:~~ Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. If there is a need for another cycle based on the standards above, When this is the case officers should immediately reload and fire another cartridge or transition to other control options rather than administering continued ineffective cycles.

b. One officer at a time

Unless exigent circumstances exist as defined by policy (P&P 5-301), no more than one officer should intentionally activate a CEW against a subject at one time.

c. Warnings

Officers shall, unless it is not feasible to do so, give verbal warnings or announce their intention to use a CEW prior to actual discharge. Use of the CEWs' laser pointer (red dotting) or arcing of the CEW may be effective at diffusing a situation prior to actual discharge of the CEW.

d. Holstering

The CEW shall be holstered on the sworn MPD employee's weak (support) side to avoid the accidental drawing or firing of their firearm. (SWAT members in tactical gear are exempt from this holstering requirement.)

e. Subject factors

i. Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain individuals. Officers must be able to articulate a correspondingly heightened justification when using a CEW upon:

- Persons with known heart conditions, including pacemakers or those known to be in medical crisis;
- Elderly persons or young children;
- Frail persons or persons with very thin statures (i.e., may have thin chest walls);
- Women known to be pregnant;

ii. Prior to using a CEW on a subject in flight the following should be considered:

- The severity of the crime at issue;
- Whether the subject poses an immediate threat to the safety of the officer or others, and;
- Whether the officer has a reasonable belief that use of the CEW would not cause significant harm to the subject fleeing unless use of deadly force would otherwise be permitted.

f. Situational factors

In the following situations, CEWs should **not** be used unless the use of deadly force would otherwise be permitted:

- On persons in elevated positions, who might be at a risk of a dangerous fall;
- On persons operating vehicles or machinery;



- On persons who are already restrained in handcuffs unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective;
- On persons who might be in danger of drowning;
- In environments in which combustible vapors and liquids or other flammable substances are present;
- In similar situations involving heightened risk of serious injury or death to the subject.

### 3. Loss or Damage

Lost, damaged or inoperative CEWs shall be reported to the CEW Coordinator immediately upon the discovery of the loss, damage or inoperative condition.

### 4. Use During Off-Duty Employment

- Officers who use their MPD issued CEW during the scope of off-duty employment within the City shall follow MPD policy and procedure for reporting the use of force and downloading their device.
- If officers carry their MPD issued CEW during the scope of off-duty employment outside of the City (e.g. working for another law enforcement agency) that agency shall sign a waiver (Letter of Agreement for Off Duty Employment) which indicates that certification through the Minneapolis Police Department is sufficient for use while working for that agency.

### 5. Downloading and Reporting

- Report all use

Officers are required to report all actual use of their CEW consistent with the downloading and reporting guidelines outlined below.

- CEW downloading guidelines

- The CEW shall be downloaded, when used in probe mode or drive stun mode, prior to the end of the officer's shift.
- The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.
- If a CEW was used during a critical incident, the CEW will be inventoried by the investigating agency for processing video and firing data evidence.

- CEW reporting guidelines:

- When a CEW is deployed and discharged on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P 5-301. Officers shall

document de-escalation attempts ~~in the Use of Force details page~~ **and** in their Narrative Text.

- ii. When a CEW is threatened by means of displaying, red dotting or arcing, the threatened use shall be reported in accordance with the Force Reporting requirements in P&P 5-301.
- iii. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer's incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.

#### 6. Post Exposure Treatment and Medical Aid

- a. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the electricity from the CEW shall include the following:
  - i. Request EMS response for probe removal if probes are located in sensitive areas (face, neck, groin or breast areas).
  - ii. Wear protective gloves and remove probes from the person's non-sensitive body areas.
  - iii. Secure the probes (biohazard "sharps") point down into the expended cartridge and seal with a safety cover.
  - iv. When appropriate, visually inspect probe entry sites or drive stun locations for signs of injury.
  - v. When appropriate, photograph probe entry sites or drive stun locations.
- b. Sworn employees shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.

### **I. ~~J.~~ Impact Weapons**

- 1. MPD approved impact weapons (P&P 3-200) are considered less-lethal weapons, and may be used:-
  - a. On subjects who are exhibiting Aggressive Resistance or Assault, or;
  - b. For life saving purposes, or;
  - c. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

2. Strikes from impact weapons shall not be administered to persons who are Compliant or are Passively or ~~Actively~~ Resisting as defined by policy (P&P 5-301).
3. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), treatment for a person that has been struck with an impact weapon shall include visually inspecting the areas struck for signs of injury, when appropriate.
4. Sworn employees shall routinely monitor the medical condition of a person that has been struck with an impact weapon until they are released to medical or other law enforcement personnel.

#### **J. ~~K.~~ Canine**

1. Canines shall only be deployed in accordance with P&P 7-807 Authorized Use of Canines.
2. When canines are used for apprehensions, handlers shall disengage their canines as soon as reasonably possible after the subject is able to be controlled or secured.
3. Officers are responsible for ensuring any person injured by an MPD canine receives medical treatment as soon as reasonably possible.
  - a. Officers shall request an ambulance to the scene whenever a person is apprehended by a canine.
4. The canine handler shall notify the Canine Sergeants immediately after any canine apprehension or accidental bite.
  - a. Officers will be debriefed by Canine unit supervisors and trainers as soon as possible following notification.
  - b. If a Canine Sergeant is not available, another MPD sergeant may be asked to do the force review (in accordance with P&P 5-301).
5. Canine handlers shall photograph all injuries and ensure the images are uploaded in accordance with P&P 10-400.
6. Upon notification of a bite or apprehension, a Canine Sergeant shall complete the K-9 Unit Apprehension Review form (MP-9090) and will send it electronically to the members of the review panel.

#### **K. ~~L.~~ Prohibition on Neck Restraints and Choke Holds**

Neck Restraints and choke holds are prohibited. Instructors are prohibited from teaching the use of neck restraints or choke holds.

MN Statute section 609.06 Subd. 3 (b) defines a choke hold “as 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."

## **L. M. Firearms**

### **1. Firearm Discharges- When Authorized**

An MPD sworn employee may lawfully discharge a firearm in accordance with policy in the following circumstances:

- a. In deadly force situations, in strict compliance with the Use of Force policy (P&P 5-301), and with a high degree of restraint. Firearm use shall never be considered routine and is permissible only when alternative means do not work, would not work or are too unsafe to try (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training ~~Proportionality of Force in P&P 5-301~~).
- b. To dispatch an animal that is dangerous, or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
- c. To participate in authorized training.
- d. To participate in any authorized competition or legitimate sporting activity.

### **2. Firearm Discharges- When Prohibited**

Officers shall not discharge firearms under the following conditions:

- a. As a warning or to command attention.
- b. Against persons who present a danger only to themselves.
- c. Solely to protect property.

### **3. Shooting at Motor Vehicles**

- a. Firearms shall not be discharged at a moving or fleeing vehicle, unless:
  - i. The officer or another person is currently being threatened with deadly force by an occupant by means other than the moving vehicle and the officer reasonably believes there are no other reasonable means available to avert the threat, or
  - ii. In the extreme case of a 'vehicle ramming attack' where a vehicle is being used as a weapon to target people to cause great bodily harm or death, or
  - iii. In the extreme case when an officer is stuck in the path of a vehicle, and:

- has no means of escape, and
  - the officer reasonably believes there are no other reasonable means available to avert the threat, and
  - the officer is unable to issue commands or the driver is disregarding commands to stop.
- aa. Officers shall consider their positioning and avoid placing themselves in the path of a vehicle whenever possible. If officers find themselves positioned in the path of a vehicle, they shall attempt to move safely out of the path of the vehicle instead of discharging a firearm at it or any of its occupants.
  - ab. Being in the path of a moving vehicle shall not be the sole reason for discharging a firearm at the vehicle or any occupant.
- b. This prohibition includes attempting to disable the vehicle by firing at it.
  - c. Considerations in this prohibition:
    - i. A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.
    - ii. Bullets fired at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
    - iii. Bullets fired at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent persons, including passengers in the vehicle.
    - iv. Bullets fired at moving motor vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring officers or other innocent persons, including passengers in the vehicle.
4. Drawing and exhibiting a firearm
- a. An officer's decision to draw or exhibit a firearm will be based on the tactical situation and the officer's reasonable belief that lethal force is necessary, or that there are indicators of a substantial risk the situation may escalate to the point where lethal force may be necessary.
  - b. Unnecessarily or prematurely drawing or exhibiting a firearm may limit ~~limits~~ an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.
5. Notification of Firearm Discharges
- a. Employee responsibility

Any employee who discharges a firearm, whether on or off duty, shall make direct contact with their immediate supervisor or the on-duty Watch Commander and the local jurisdiction as soon as possible **except**:

- While at an established target range;
- While conducting authorized ballistics tests;
- When engaged in legally recognized activities while off-duty.

b. Supervisor responsibility

- i. The supervisor shall respond to any scene in which an employee has discharged a firearm while on-duty or in the course of duty.
- ii. The supervisor is responsible for notifying the Watch Commander and when appropriate, the employee's Deputy Chief and the on-duty Homicide investigator. This does not include the discharge of a firearm with the intention of dispatching an animal, unless it results in injury to a person.
- iii. Notifications to the Internal Affairs unit shall be made in accordance with the Internal Affairs Call-Out Notification Policy (P&P 2-101).
- iv. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.
- v. At any officer-involved shooting incident in which a person is shot, the Critical Incident Policy (P&P 7-810) shall be followed.

c. Reporting firearms discharges to the State

MN Statute section 626.553 requires the Chief of Police to report to the State Commissioner of Public Safety whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or when killing an animal that is sick, injured or dangerous. Written notification of the incident must be filed within 30 days of the incident. The notification shall include information concerning the reason for and circumstances surrounding discharge of the firearm. The Internal Affairs unit supervisor shall be responsible for filing the required form(s) with the State Bureau of Criminal Apprehension.

6. Written Report on Discharge of Firearms

- a. All employee firearm discharges that require notification, other than Critical Incidents, shall be reported in a PIMS report, including a Narrative Text, by the employee involved and the supervisor who was notified. The report shall be titled, "DISWEAP." The employee shall complete Force Reporting in accordance with P&P 5-301 and the supervisor shall then complete a Supervisor Force Review in accordance with P&P 5-301.
- b. The Watch Commander shall include all case numbers on the Watch Commander log.