

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-300 Use of Force 5-301 Use of Force 5-302 Use of Force Control Options <u>5-303 Use of Force Reporting and Review</u>			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: This policy is being revised to:

- fully incorporate the requirements from AA19-003 regarding force used on a handcuffed prisoner
- add the requirements for secondary force reviews from AA22-011
- clarify the supervisor responsibility for determining the reasonableness of force
- add a minor clarification to the examples list under the Objectively Reasonable Force Consistent with Policy, Law and Training section
- add requesting other resources to De-escalation tactics (in addition to other officers)
- move the reporting and review sections from 5-301 to a new policy, 5-303
- change the reporting requirements for escort holds, handcuffing, threats to use force and weapon pointing
- define different types of body weight to pin and control pressure to identify the separate reporting requirements

This AA was amended to renumber 7-805 as 7-811, and the existing 5-303 as 7-805 due to the delay in SO22-32 becoming effective.

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

7-811 **~~7-805~~ Civil Disturbances**
(04/20/01) (04/20/01) (06/16/20) (08/21/20) (01/01/23)

7-805 **~~5-303~~ Crowd Control and Civil Disturbances**
(08/17/07) (06/16/20) (08/21/20) (09/08/20) (10/31/20) (03/12/21) (01/01/23)

5-301 Use of Force

(09/08/20) (12/22/20) (03/12/21) (01/01/23)

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: 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
- 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 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 ~~n~~No ~~h~~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 ~~r~~Reasonable ~~f~~Force ~~c~~Consistent with ~~p~~Policy, ~~l~~Law and ~~t~~Training

- a. Sworn MPD employees shall only use the amount of force that is objectively reasonable.
 - 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. Sworn MPD employees should use the lowest level of force necessary for safety and control; 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. Force used against a restrained or handcuffed individual shall be viewed with increased scrutiny in determining reasonableness.
 - iv. These facts and circumstances **shall** be articulated when documenting force (in accordance with the Force Reporting section in this policy).
- 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, including in Deadly Force situations (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 aArrests

When making an arrest officers shall verbally announce the arrest to the subject, when 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.

B. Authorized Use of Deadly Force

In accordance with 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 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 ~~i~~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' aActions that unnecessarily place themselves, ssuspects, 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 emotions and behavior.
2. De-escalation tactics include, but are not limited to:
 - Requesting additional officers and other resources 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. 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 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. 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 3-200 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.

[Sections below moved to 5-303]

~~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.~~
- ~~• 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.~~

~~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~~
- ~~● 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.~~

~~iii. Handcuffing in mass arrests~~

~~aa. If the Chief, Assistant Chief or a Deputy Chief gives authorization during a mass arrest situation (which involves multiple officers and typically involves more than five arrestees), officers who only apply handcuffs and escort~~

~~someone to a transport vehicle, with no additional force used to control the subject and no injuries resulting, do not have to submit a Use of Force details page for the handcuffing and escort.~~

~~ab. The officer shall still enter a Narrative Text for the incident and describe their actions.~~

~~ac. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.~~

~~ad. If the officer used additional force to control the subject (beyond handcuffing and escorting) or injuries resulted from the force used by the officer, the officer shall submit the Use of Force details page.~~

~~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)~~
- ~~● 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. 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 shall document it through a Narrative Text, and shall notify a supervisor so the supervisor can respond and complete the Supervisor Force Review.~~

~~D. 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.~~

- ~~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.~~

~~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 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.~~

~~3. Supervisor Force Reviews in Civil Disturbances and Assemblies~~

~~During civil disturbances or assemblies (in accordance with P&P 5-303), supervisors shall complete the Supervisor Force Review requirements to the best of their ability, with the information available to them (which may be limited). At a minimum, the review should include:~~

- ~~• The type of force used~~
- ~~• The amount of force used~~
- ~~• The basis for the force used~~

5-302 Use of Force Control Options

(09/08/20) (12/22/20) (04/04/21) ~~(01/01/23)~~

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

- Less-lethal 40mm launcher and impact projectiles

- Chemical agents

- Conducted electronic weapons (CEWs)

- Impact weapons

- Canine

- Neck restraints and choke holds (prohibited)

- Firearms

II. Definitions

Carry: Carrying a weapon or tool means having it on one's person. This includes having it in a pocket, holster, or backpack or similar container, as well as having it slung or having it in hand.

Deliver: Delivering means to launch a weapon or technique to make impact with a subject or to strike a subject with an impact weapon or bodily force.

Discharge: Discharging means ejecting something out of the end or nozzle of a weapon (firing, spraying, launching, etc.).

Display: Display means having a weapon in hand, while engaged with a subject. For a handgun, this means having it out of the holster, while engaged with a subject. For larger weapons such as rifles, this means having it in hand (slung or unslung), while engaged with a subject.

Engaged with a Subject: This means treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident, while using some level of reportable force (such as display or pointing). An example of a person who is the focus of law enforcement attention is an individual in crisis who may not be a potential suspect.

Point: Pointing a weapon means directing it towards a subject, while engaged with them as a potential suspect or as a focus of law enforcement attention in an incident (such as an individual in crisis), with the intent to use or imply the use of the weapon. This includes arcing or red-dotting a CEW, pointing impact weapons and aiming firearms.

Use: Using a weapon or tool means activating or applying any of its mechanical functions, pointing a weapon, or making contact with a subject with the weapon or tool. This includes discharging a weapon such as a firearm, CEW, aerosol, or 40mm launcher, arcing, red-dotting or

activating a CEW, applying handcuffs or restraints, making bodily contact with a subject with an impact weapon or with bodily force.

III. 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 (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 of 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).
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. Tying all of a person's limbs together behind the person's back to render the person immobile; or
 - b. Securing a person in any way that results in transporting the person face down in a vehicle.

- c. Less-lethal measures must be considered by the officer prior to applying these measures.
2. 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;
 - 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;
 - af. The number of subjects involved in the stop causes an articulable safety concern; or
 - ag. 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 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.

Application: Applying the Maximal Restraint Technique means using an approved restraint device to secure a subject's feet to their waist.

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. Application of the MRT

- a. The hobble restraint device may be used to apply the Maximal Restraint Technique, consistent with training offered by the Minneapolis Police Department on the application of the Maximal Restraint Technique and the Use of Force policy.
- b. The Maximal Restraint Technique shall only be applied 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 applied 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 with the MRT who is in the prone position shall be placed in the following positions based on the type of restraint device used:
 - i. If the hobble restraint device is used, the person shall be placed in the side recovery position.
- b. When applying 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 applied, 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 types

~~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
- Control pressure
- Takedown techniques or tackles (Using physical force to direct a person to the ground)
- Pushes (using physical force to press forward in an effort to effect movement)
- Strikes (punches, kicks, knees, slaps)

2. Body weight to pin and control pressure

a. Body weight to pin definition

Restricting a subject's movement by use of body weight to pin the subject to the ground or floor.

b. Control pressure definition

Restricting a subject's movement while the subject is upright by use of body weight to pin the subject to a fixed object (such as applying pressure while the subject is against a vehicle or building).

c. Reporting

Body weight to pin and control pressure require a report and Use of Force details page. The requirement to notify a supervisor for body weight to pin and control pressure varies based on where the pressure was applied:

i. Supervisor notification required

A supervisor notification is required for:

aa. Body weight to pin or control pressure resulting in injury or alleged injury (including loss of consciousness).

ab. Body weight to pin on the front rib cage area or the head.

ac. Control pressure on the head.

ii. Supervisor notification not required

A supervisor notification is not required for the following types, unless another condition applies such as an injury:

aa. Body weight to pin on limbs, hips, the back or the stomach.

ab. Control pressure on limbs, hips, or the torso.

3. Pushing to the ground

If a push or shove propels the subject to the ground or floor, it is considered a takedown.

4. Vehicle extractions to the ground

Vehicle extractions that end on the ground or floor are considered takedowns.

5. Neck restraints and choke holds covered elsewhere

~~2-~~ Neck restraints and choke holds are considered separate control options under this policy (and are not included as bodily force).

6. ~~3-~~ Strikes (punches, kicks, knees, slaps)

a. Strikes may be delivered:

i. To subjects who are exhibiting Aggressive Resistance or Assault, or;

ii. For life saving purposes, or;

- iii. To 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 shall not be delivered to persons who are Compliant or are Passively Resisting as defined by policy.

7. Treatment and medical aid

4. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when officers deliver 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. 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 discharge 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 delivered 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 discharging 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. All carrying and use of 40mm launchers for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P ~~7-805-5-303~~.

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 discharged 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 discharging 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.~~
 - c. Officers shall not intentionally discharge less-lethal impact munitions at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.
 4. 40mm launcher use
 - a. The 40mm launchers can be discharged 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 discharged, 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 discharged so they do not mistake the sight and noise from the 40mm projectile discharge 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 discharging a 40mm less-lethal projectile should yell "Code Orange!" prior to and during the discharge.
 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 have the 40mm launchers available during their assigned shift, when possible.
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 who discharge a 40mm less-lethal round shall report the force in accordance with P&P ~~5-303-5-304~~.
 - b. Officers who discharge 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 discharged. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P ~~5-303-5-304~~.
 - d. Supervisors shall ensure that all spent 40mm less-lethal rounds are collected and property inventoried if possible.

G. 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 discharged at subjects under the following circumstances:
 - i. During civil disturbances and assemblies, only when authorized in accordance with P&P ~~7-805-5-303~~.
 - 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 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 discharged at 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 discharged a chemical agent at a person shall inform individuals accepting custody that it was discharged at the person.
 - d. Discharging chemical agents to prevent the swallowing of narcotics is prohibited.

H. Conducted Energy Weapons (CEWs)

Terms related to Conducted Energy Weapons (CEWs):

Activating: Activating a CEW means engaging the Arc switch, or the trigger after probes have been discharged, to generate electricity through arcing or cycling. Activating on a subject means engaging the arc switch in touch/contact stun or drive-stun applications or engaging the arc switch or the trigger after probes have been discharged at a subject.

Apply: When a CEW is used for touch/contact stun or drive/stun applications (involving contact with the subject by the CEW).

Arcing: Un-holstering the CEW and activating the CEW for purposes of threatening its use prior to actual discharge or drive-stun or touch/contact stun application. In some cases, this may be effective at gaining compliance without having to actually discharge at or apply drive-stun or touch/contact stun on at a subject.

Drive-Stun: Touch/Contact Stun and Drive- Applying drive-stun mode is when the CEW is strongly, with forceful pressure, pushed directly into a subject's nerve bundle and touch/contact stun mode is applied.

Probe Mode: When a CEW is used to discharge 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.

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

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. CEWs shall not be used against subjects who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).
- e. CEWs should generally be used in the probe mode. Application 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 activating a CEW on a subject, personnel should activate 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. 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, officers should immediately discharge another cartridge or transition to other control options rather than activating 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 discharge 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 activating a CEW on:
 - 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 activating 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 activation 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 activated 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 ~~d~~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 ~~d~~During ~~o~~Off-~~d~~Duty ~~e~~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 ~~r~~Reporting

a. CEW downloading guidelines

- The CEW shall be downloaded, when used in probe mode, touch/contact stun 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.

iii. 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.

b. CEW reporting guidelines:

i. When a CEW is discharged at or applied in touch/contact stun or drive-stun mode on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P ~~5-303-5-304~~. Officers shall document de-escalation attempts 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 5-303-5-304~~.

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 ~~e~~Exposure ~~t~~Treatment and ~~m~~Medical ~~a~~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. Impact Weapons

1. MPD approved impact weapons (P&P 3-200) are considered less-lethal weapons, and may be used as impact weapons:

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 delivered to persons who are Compliant or are Passively 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. 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 ~~5-303~~ 5-304).
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. 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. Firearms

1. Firearm ~~d~~Discharges- ~~w~~When ~~a~~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).
- 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 ~~d~~Discharges- ~~w~~When ~~p~~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 ~~m~~Motor ~~v~~ehicles

- 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 discharging 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 discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
 - iii. Bullets discharged 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 discharged 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 displaying a firearm
 - a. An officer's decision to draw or display 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 displaying a firearm may limit an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.
 5. Notification of ~~f~~Firearm ~~d~~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 Duty to Report policy ~~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, 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 ~~r~~Report on ~~d~~Discharge of ~~f~~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 ~~5-303-5-304~~ and the supervisor shall then complete a Supervisor Force Review in accordance with P&P ~~5-303-5-304~~.
- b. The Watch Commander shall include all case numbers on the Watch Commander log.

5-303 Use of Force Reporting and Review

(01/01/23)

Revisions to prior policies: (10/16/02) (08/17/07) (04/16/12) (09/08/20) (12/22/20) (03/12/21)

[Moved from 5-301 [IV-B to D]

B. Use of Force and De-escalation Reporting

A. ~~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.
- Describing the incident, de-escalation efforts and the force used through a Narrative Text with the report.
- Notifying a sSupervisor of the force used and the incident circumstances.

1. ~~a.~~ Force Reporting in PIMS

- a. ~~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.
- b. ~~ii.~~** When force is documented in a Police Report with a Use of Force details page under this policy, the report shall include the code or type “FORCE.”

2. ~~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.

3. ~~b.~~ Supervisor notification of force
 - a. ~~i.~~ When ~~s~~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.
 - b. ~~ii.~~ The notification to the supervisor ensures that the requirements of the Supervisor Force Review section of this policy (~~P&P 5-301~~ 5-303) can be fulfilled by the supervisor.
4. ~~4.~~ De-escalation ~~r~~Reporting ~~r~~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.

B. ~~2.~~ Force Reporting timeliness

1. ~~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.
2. ~~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.

C. ~~5.~~ Force and De-escalation Reporting Requirements

1. No reporting required

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

The following listed actions do not require any Force Reporting (Use of Force details page, Narrative Text or supervisor notification) unless otherwise required by this policy:

- Presence
- Verbal commands

- Escort holds
- Verbal threats to use force
- Unholstering or displaying a weapon, other than a firearm, when engaged with a subject or subjects (including unholstering a CEW, unfolding a baton, etc.), without pointing it at a subject
- Unholstering or displaying a firearm when engaged with a subject or subjects

2. Handcuffing

a. No Use of Force details page required

Handcuffing does not require a Use of Force details page.

b. Police Report required

- i. A Police Report is required for any incident involving handcuffing. The circumstances necessitating handcuffing shall be documented in a Narrative Text.
- ii. The application of handcuffs shall be marked in the corresponding box on each Entity handcuffs were applied to, subject to the exception for mass arrests below.
- iii. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC. The code FORCE is not required unless an injury or alleged injury occurred.

c. Injuries

Handcuffing does not require Supervisor notification unless:

- i. An injury or alleged injury occurred. This includes a loss of consciousness.
- ii. The incident aggravated a preexisting injury.

d. ~~iii~~-Handcuffing in mass arrests

[Moved from IV-B-5-d-iii]

- i. ~~aa~~-If the Chief, Assistant Chief or a Deputy Chief gives authorization during a mass arrest situation (which involves multiple officers and typically involves more than five arrestees), officers who only apply handcuffs and escort someone to a transport vehicle, ~~with no additional force used to control the subject and no injuries resulting,~~ do not have to record the application of handcuffs on the Entity form submit a Use of Force details page for the handcuffing and escort, as long as no injury resulted or was alleged to result from the handcuffing or escorting and as long as no additional force was used.
 - ~~aa~~ ab-The officer shall still enter a Narrative Text for the incident and describe their actions.
 - ~~ab~~ ae-The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.
- ii. ~~ad~~-If the officer used additional force to control the subject (beyond ~~handcuffing and~~ escorting) or injuries resulted or were alleged to result from any the force used by the officer, the officer shall record the application of handcuffs on the Entity form and shall complete any required reporting for the other force or injuries submit the Use of Force details page.

3. Firearm pointing and less-lethal weapon pointing

This section applies to:

- Firearm pointing: Aiming a firearm at a subject or subjects with the intent to use or imply the use of Deadly Force
- 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)

a. No Use of Force details page required

Firearm and less-lethal weapon pointing do not require a Use of Force details page.

b. Police Report required

- i. A Police Report is required for any incident involving pointing a firearm or less-lethal weapon. The circumstances necessitating firearm or less-lethal weapon pointing shall be documented in a Narrative Text.
- ii. Firearm pointing shall be marked in the corresponding box on each Entity a firearm was pointed at.
- iii. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC. The code FORCE is not required.

4. ~~b.~~ Use of Force details page and Narrative Text required

a. Types of force

~~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~~
- Body weight to pin on limbs, hips, back or stomach
- Control pressure on limbs, hips or torso
- ~~• 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~~
- ~~• 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 7-805-5-303), 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)~~

b. Injuries

~~ii.~~ The listed force options do not require Supervisor notification unless:

i. ~~aa.~~ An injury or alleged injury occurred, including a loss of consciousness.

ii. ~~ab.~~ The incident aggravated a preexisting injury.

~~iii. Handcuffing in mass arrests~~

[Moved to C-2-d]

~~aa. If the Chief, Assistant Chief or a Deputy Chief gives authorization during a mass arrest situation (which involves multiple officers and typically involves more than five arrestees), officers who only apply handcuffs and escort someone to a transport vehicle, with no additional force used to control the subject and no injuries resulting, do not have to submit a Use of Force details page for the handcuffing and escort.~~

~~ab. The officer shall still enter a Narrative Text for the incident and describe their actions.~~

~~ac. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.~~

~~ad. If the officer used additional force to control the subject (beyond handcuffing and escorting) or injuries resulted from the force used by the officer, the officer shall submit the Use of Force details page.~~

5. e. ~~Use of Force details page, Narrative Text and Supervisor notification required~~

a. Types of force

~~i.~~ A supervisor notification is required in addition to a Use of Force Details page and a 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
- Body weight to pin on the rib cage area or head
- Control pressure on the head
- Strikes (punches, kicks, knees, slaps)
- Bodily force not already listed (other than escort holds, joint manipulation and nerve pressure points)
- Takedown techniques or tackles (using physical force to direct a person to the ground)
- Chemical agent exposures during civil disturbances and assemblies (in accordance with P&P 7-805-5-303)

- 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

b. Injuries

~~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:

- i. ~~aa~~–An injury or alleged injury occurred, including a loss of consciousness.
- ii. ~~ab~~–The incident aggravated a preexisting injury.

c. Force not covered

~~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 Requirements.

D. Reporting Force Used on a Handcuffed Subject

The requirements of this section are in addition to the standard requirements in the section on Use of Force and De-Escalation Reporting.

1. Notify a supervisor

- a. If an officer uses any force on a handcuffed subject (other than the types specified below), the officer shall remain on scene and shall notify an on-duty supervisor by phone or radio as soon as possible so the supervisor can respond to the scene.
- b. Exceptions to this requirement are the following actions used on a handcuffed subject, when the force does not result in injury: Escort holds, joint manipulations and nerve pressure points, and body weight to pin or control pressure when if they would not already require a supervisor notification.

2. Supervisor response

a. Respond to the scene

The supervisor shall respond to the scene, determine the level of force used, and follow the Supervisor Force Review policy as necessary.

b. Notify the Watch Commander

The supervisor shall immediately notify the Watch Commander of the incident directly by phone. If there is no Watch Commander on duty, the Commander of Internal Affairs shall be notified directly by phone.

3. Watch Commander response

a. Respond to the scene

The Watch Commander shall respond to the incident scene to gather information from the supervisor, observe the force subject and document any injuries.

b. Notify Internal Affairs

The Watch Commander shall immediately notify the Commander of Internal Affairs of the incident directly by phone.

4. Internal Affairs response

When the Commander of Internal Affairs is notified by the Watch Commander or an on-duty supervisor of an incident involving force used on a handcuffed subject, the Commander shall assess the situation and determine if an Internal Affairs call-out is warranted (in accordance with P&P 2-108), and whether to make a notification to the Deputy Chief of the Professional Standards Bureau.

5. Responding to the hospital

If the subject must be immediately transported to the hospital for treatment, both the incident Supervisor and Watch Commander shall respond to the hospital to complete their required steps.

E. ~~C.~~ **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 shall document it through a Narrative Text, and shall notify a supervisor so the supervisor can respond and complete the Supervisor Force Review.

F. ~~D.~~ **Supervisor Force Review**

1. Supervisor Force Review defined

Supervisor Force Reviews (SFRs) are when the supervisor who was notified of force by an employee responds to the scene, investigates the force incident, and documents their findings. The purposes of a Supervisor Force Review are to:

a. Collect and document information and evidence regarding the use of force; and

b. Assess whether, based on the information available to the reviewing supervisor, the force used appears to have been consistent with MPD policy, including whether the force appears to have been objectively reasonable given the totality of the circumstances.

2. ~~1.~~ No Review of Own Use of Force

Supervisors shall not conduct a Supervisor Force Review on their own use of 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.

3. ~~2.~~ On-duty ~~s~~Supervisor ~~r~~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. e.~~ Review all sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.

[Moved from below]

~~x. ix. Contact~~ Determine if the force used was reasonable or unreasonable, or if it appears to constitute possible misconduct. The supervisor shall 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 (Template) and Summary (Narrative Text) as soon as practical, but prior to the end of that shift.

i. ~~Ensure~~ It is the reviewing supervisor's responsibility to 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. This includes documenting their observations and assessments.

ii. ~~If~~ It is the reviewing supervisor's responsibility to assess whether, based upon the totality of the information available at the time of the report, the use of force was consistent with MPD Policy. If the supervisor concludes-feels that the use of force was or 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.~~

[Moved up]

e. Record the incident information on the approved MPD electronic form prior to the end of the shift, so that a Secondary Force Review can be completed.

4. 3. Supervisor Force Reviews in cCivil dDisturbances and aAssemblies

During civil disturbances or assemblies (in accordance with P&P 7-805-5-303), supervisors shall complete the Supervisor Force Review requirements to the best of their ability, with the information available to them (which may be limited). At a minimum, the review should include:

- The type of force used
- The amount of force used
- The basis for the force used

G. Secondary Force Review

1. Secondary Force Review defined

- a. Secondary Force Reviews are when the initial Supervisor Force Review (SFR) undergoes a review by another supervisor. This process ensures that each use of force gets thorough scrutiny and sets the expectation for performance coaching and mentoring in the chain of command.
- b. The purposes of a Secondary Force Review are to:
 - i. Confirm that the SFR included all required collection and documentation of evidence; and
 - ii. Review all available evidence, and perform an additional, separate review of whether the use of force appears to have been consistent with MPD policy.
- c. The supervisor performing the Secondary Force Review is independently responsible for a thorough and substantive review of the evidence and an independent analysis of whether the use of force appears to have been consistent with MPD policy.
- d. The supervisor performing the Secondary Force Review shall review all of the information available regarding the use of force review, including BWC recordings made during the on-scene Supervisor Force Review.

2. Secondary Force Review required

Secondary Force Reviews shall be completed for all SFRs.

- a. Secondary Force Reviews shall be completed by a supervisor of an equal or higher rank as designated by the Inspector or Commander in the chain of command for the initial SFR supervisor.
 - i. Supervisors cannot complete a Secondary Force Review of their own SFR.
 - ii. Supervisors cannot complete a Secondary Force Review of an SFR of their own use of force.
- b. Secondary Force Reviews shall be completed within 5 days of the initial SFR.
- c. After the Secondary Force Review is completed, the Secondary Force Review process shall be documented by recording the required information on the approved MPD electronic form.

3. Internal Affairs review

- a. After the Secondary Force Review is completed, Internal Affairs will ensure that all previous levels of review and documentation were completed properly.
- b. After Internal Affairs has checked the Secondary Force Review for completeness, they will determine whether the incident will be referred for further investigation by

OPCR and Internal Affairs, or whether the review will be closed without further investigation.