

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TO: Distribution "A"		RETENTION DATE: Until Rescinded	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 – 5-302 Use of Force Control Options (Amended)		APPROVED BY: <i>Chief O'Hara</i>	

MP-8806

Introduction: This policy is being revised to prohibit the Maximal Restraint Technique (MRT) and related devices such as the Hobble Restraint Device.

Amended to change effective date to 3/30/23.

Effective with the issuance of this Special Order, Section 5-302 of the MPD Policy and Procedure Manual shall be amended as follows:

5-302 Use of Force Control Options

(09/08/20) (12/22/20) (04/04/21) (01/01/23) ~~(03/17/23)~~ (03/30/23)

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) (~~H~~obble ~~R~~estraint) and Hogtie (prohibited)

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).
 - a. 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) and Hogtie (prohibited)

- 1. The Maximal Restraint Technique (MRT) and the Hobble Restraint Device (and related devices) are prohibited.

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

- 2. ~~Do not tie the feet of the subject directly to their hands behind their back. This is also known as a hogtie. Hogtying a subject is prohibited.~~

A hogtie involves tying the feet of the subject directly to their hands behind their back.

~~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.~~
- ~~e. 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

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

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

6. 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

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.
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.
 - 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.
 - 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.
- 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.
- 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.
 - 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 damage

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

4. Use during off-duty employment

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

5. Downloading and reporting

a. CEW downloading guidelines

- i. 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.
- ii. 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. 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 P&P 5-303.
- iii. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer's incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.

6. Post exposure treatment and medical aid

a. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the electricity from the CEW shall include the following:

- i. Request EMS response for probe removal if probes are located in sensitive areas (face, neck, groin or breast areas).
- ii. Wear protective gloves and remove probes from the person's non-sensitive body areas.
- iii. Secure the probes (biohazard "sharps") point down into the expended cartridge and seal with a safety cover.
- iv. When appropriate, visually inspect probe entry sites or drive stun locations for signs of injury.
- v. When appropriate, photograph probe entry sites or drive stun locations.

- b. Sworn employees shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.

I. 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. 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 discharges- when authorized

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

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

2. Firearm discharges- when prohibited

Officers shall not discharge firearms under the following conditions:

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

3. Shooting at motor vehicles

- a. Firearms shall not be discharged at a moving or fleeing vehicle, unless:
 - i. The officer or another person is currently being threatened with deadly force by an occupant by means other than the moving vehicle and the officer reasonably believes there are no other reasonable means available to avert the threat, or
 - ii. In the extreme case of a 'vehicle ramming attack' where a vehicle is being used as a weapon to target people to cause great bodily harm or death, or
 - iii. In the extreme case when an officer is stuck in the path of a vehicle, and:
 - has no means of escape, and
 - the officer reasonably believes there are no other reasonable means available to avert the threat, and
 - the officer is unable to issue commands or the driver is disregarding commands to stop.
 - aa. Officers shall consider their positioning and avoid placing themselves in the path of a vehicle whenever possible. If officers find themselves positioned in the path of a vehicle, they shall attempt to move safely out of the path of the vehicle instead of discharging a firearm at it or any of its occupants.
 - ab. Being in the path of a moving vehicle shall not be the sole reason for discharging a firearm at the vehicle or any occupant.
- b. This prohibition includes attempting to disable the vehicle by 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 firearm discharges

a. Employee responsibility

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

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

b. Supervisor responsibility

- i. The supervisor shall respond to any scene in which an employee has discharged a firearm while on-duty or in the course of duty.
- ii. The supervisor is responsible for notifying the Watch Commander and when appropriate, the employee's Deputy Chief and the on-duty Homicide investigator. This does not include the discharge of a firearm with the intention of dispatching an animal, unless it results in injury to a person.
- iii. Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report 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 report on discharge of firearms
 - a. All employee firearm discharges that require notification, other than Critical Incidents, shall be reported in a PIMS report, including a Narrative Text, by the employee involved and the supervisor who was notified. The report shall be titled, "DISWEAP." The employee shall complete Force Reporting in accordance with P&P 5-303 and the supervisor shall then complete a Supervisor Force Review in accordance with P&P 5-303.
 - b. The Watch Commander shall include all case numbers on the Watch Commander log.