

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TO: Distribution "A"			RETENTION DATE: Until Rescinded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 – 5-303 Use of Force Reporting and Review (Amended)			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: This policy is being revised to remove the Maximal Restraint Technique (MRT) from reporting [C-5-a] as it is no longer authorized.

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

Effective with the issuance of this Special Order, Section 5-303 of the MPD Policy and Procedure Manual shall be amended as follows:

5-303 Use of Force Reporting and Review

(01/01/23) ~~(03/17/23)~~ (03/30/23)

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

A. 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.

1. Force Reporting in PIMS

- a. 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. 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. 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. Supervisor notification of force

- a. 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.
- b. The notification to the supervisor ensures that the requirements of the Supervisor Force Review section of this policy (P&P 5-303) can be fulfilled by the supervisor.

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.

B. Force Reporting timeliness

1. 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. 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. Reporting Requirements

1. No reporting 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. Handcuffing in mass arrests

- i. 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 do not have to record the application of handcuffs on the Entity form, 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. The officer shall still enter a Narrative Text for the incident and describe their actions.
- ab. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.
- ii. If the officer used additional force to control the subject (beyond escorting) or injuries resulted or were alleged to result from any 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.

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. Use of Force details page and Narrative Text required

a. Types of force

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:

- Joint manipulation
- Nerve pressure points (Touch pressure)
- Body weight to pin on limbs, hips, back or stomach
- Control pressure on limbs, hips or torso

- Chemical agent exposures in situations that are not civil disturbances or assemblies (in accordance with P&P 7-805), which require higher level reporting

b. Injuries

The listed force options do not require Supervisor notification unless:

- An injury or alleged injury occurred, including a loss of consciousness.
- The incident aggravated a preexisting injury.

5. Supervisor notification required

a. Types of force

A supervisor notification is required in addition to a Use of Force Details page and a Narrative Text 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)
- 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

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:

- An injury or alleged injury occurred, including a loss of consciousness.
- The incident aggravated a preexisting injury.

c. Force not covered

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 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. 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. 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. 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. 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. Review all sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.
 - x. 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 as soon as practical, but prior to the end of that shift.
 - i. 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. 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 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. 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. Supervisor Force Reviews in civil disturbances and assemblies

During civil disturbances or assemblies (in accordance with P&P 7-805), 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.