

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: May 8, 2025	DATE EFFECTIVE: August 23, 2025	NUMBER: SO25-011	PAGE: 1 of 23
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-301 Use of Force <u>Force Guiding Principles, Authorizations, and Standards</u>			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: This special order includes the updates to the 5-301. The de-escalation portion and a portion of the unnecessary risk language were moved into a new policy (7-802).

Effective with the issuance of this Special Order, Section 5-301 of the MPD Policy and Procedure Manual shall be amended as follows:

5-301 **Force Guiding Principles, Authorizations, and Standards**~~Use of Force~~
(09/08/20) (12/22/20) (03/12/21) (01/01/23) (08/23/25)
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.~~

[Moved to [II-A]]

~~B. State Requirement for Policy~~

[Moved to [III-G]]

~~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.~~

[Moved to [III-H]]

The use of force against any person is a significant action and must be recognized as such. Members must act within their authority and their limitations. Using force appropriately is critical in building community trust and legitimacy and enhances the ability of members to partner with the community to promote public safety and member safety. These use of force policies seek to:

- Recognize people's humanity, dignity, and civil rights.
- Promote public safety.
- Promote member safety.
- Ensure that sworn members only engage in non-discriminatory uses of force.
- Reduce the circumstances in which using force is necessary.
- Ensure sworn members only use force that is consistent with law and policy, including the requirement that force must be objectively reasonable, necessary, and proportional.
- Facilitate compliance with the law.
- Ensure accountability when sworn members use force that is inconsistent with law or policy.
- Build public confidence that members are acting consistently with law enforcement objectives, community needs and values, and in the interest of public safety.

H. ~~Definitions~~

[Moved to [IV]]

III.II. Force Guiding Principles~~Policy~~

MPD's force guiding principles are:

- [A] Sanctity of life
- [B] Duty to de-escalate
- [C] Objectively reasonable, necessary, and proportional force
- [D] Consider vulnerable populations
- [E] Duty to intervene
- [F] Promote trust, and show respect and dignity
- [G] Avoid escalation and unnecessary risk
- [H] Identify self and warn of intent
- [I] Duty to provide medical treatment
- [J] Prohibition on retaliation, punishment and coercion
- [K] Duty to report misconduct
- [L] Duty to report force

[M] Accountability

[N] Importance of member health and wellness

A. Force Guiding Principles

1. Legal standards and authorizations

[Moved to [III-B]]

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."

A. A. Sanctity of Life

[Moved from [I-A]]

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.

MPD's values are grounded in the foundational belief in the sanctity of life; the belief that all human life is inherently sacred, valuable and must be protected. The Department's mission, vision, values, goals, policies, and rules are all built upon and are intended to reflect the Department's belief in the sanctity of life (P&P 0-102).

MPD and its members shall uphold this belief by striving to:

- Protect and preserve human life in all situations.

- Keep the community and MPD members safe from harm.

2. ~~Do no harm~~

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

- ~~a. Sanctity of life and the protection of the public are the cornerstones of the MPD's use of force policy. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers must recognize and respect the sanctity of life and value of all human life when making decisions regarding the use of force.~~
- ~~b. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.~~

B. Duty to De-escalate

Sworn members have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics whenever feasible, to minimize the need to use force, resolve incidents without the use of force when possible, and to increase the likelihood of voluntary compliance with legitimate and lawful orders. Members' duty to de-escalate continues throughout the entire encounter. (P&P 7-802)

3.C. ~~Objectively Reasonable, Necessary, and Proportional Force consistent with policy, law and training~~

~~a. Sworn MPD employees~~Members shall only use ~~the amount of~~ force that is objectively reasonable, necessary, and proportional under the totality of the circumstances, consistent with public safety, in order to provide for the safety of a member or another person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape, consistent with the following provisions:-

1. Objectively reasonable

Objectively reasonable force means the degree and type of force a reasonable officer would consider rational and logical, based on the totality of the circumstances, to bring a person or situation safely under control (see the conditions and considerations below).

- ~~i.a.~~ The decision by an officer~~a member~~ 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~~member at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when ~~officers~~members may be forced to make quick judgments about using such force.
- b. In measuring whether the use of force was reasonable and the actions of the member that led to the use of force were reasonable, the conduct of the member will be

measured by the entire course of conduct preceding the use of force, and not be limited to whether force was authorized under law at the moment it was used.

c. Members shall consider the totality of circumstances in determining whether a use of force is objectively reasonable, including, but not limited to the following:

i. The severity of the crime or crimes at issue.

ii. Whether the person poses an immediate threat to the safety of the member or others.

iii. Whether the person is actively resisting arrest or attempting to evade arrest by fleeing.

iv. The influence of drugs or alcohol on the person.

v. The mental or physical health conditions, behavioral health challenges, or disabilities of the person.

vi. The ability of the person to understand or communicate, such as whether the person has visual or hearing impairments, language barriers, etc.

vii. The age, size, and condition of the person.

viii. The time available to the member to make a decision.

ix. The person's proximity or access to weapons.

x. The risk to bystanders or others from the use of force.

xi. The location, time of day, and other physical circumstances.

xii. Other rare emergency situations requiring swift action to prevent an imminent threat to life or an imminent threat of serious harm to another.

2. Necessary

~~ii. Sworn MPD employees~~Members should shall use the lowest level-degree of force necessary for safety and control in accordance with policy and law.;~~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.~~

d. Force may be considered necessary when no reasonably effective alternative exists, meaning lower degrees of force or alternatives to force did not work, would not work, were not feasible or were too unsafe to attempt.

- In some circumstances, tactical disengagement without force or physical disengagement may be the reasonable course of action (see P&P 7-802 De-escalation).
 - The decision to disengage must be consistent with the critical decision-making model (P&P 7-801).

- In crisis situations, members shall only tactically disengage in accordance with P&P 7-803, including the approval requirements in that policy.
- e. Lower degrees of force are generally intended to and have a lower probability of causing injury or incapacitation based on the type of force used and manner in which it was used.
- f. Members shall continually assess the necessity of the use of force (P&P 7-801). This includes:
 - Considering whether alternatives may be employed. Alternatives may include coordination with a larger group of sworn members, crisis intervention resources, or the use of other resources or de-escalation techniques or tactics.
 - Discontinuing or modulating force when the degree of force is no longer necessary.
- 5. ~~If use of force is initiated, force shall be de-escalated immediately as resistance decreases or control is achieved.~~

[Moved from [III-G-5]]

3. Proportional

Members shall only use force that is proportional to the threat, actions, and subject behavior offered by a person. Proportionality measures whether the force used by the member is rationally related to the degree of resistance or aggression confronting the member.

a. Degree of threat

The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the degree of force that may be necessary to overcome it.

b. Modulate or discontinue force

When or if the person offers less resistance, members shall modulate or discontinue the degree or type of force accordingly.

4. People who are physically restrained

Basic control measures such as escort holds may be used with people who are handcuffed or otherwise physically restrained when objectively reasonable, necessary, and proportional to control the situation.

iii. Higher degrees of Physical force shall not be used against individuals-a person who is handcuffed or otherwise physically restrained in restraints, except in the rare circumstance that it would be as objectively reasonable, necessary, and proportional, to prevent their escape, maintain control, or to prevent imminent bodily injury physical harm to the individual person, the officer member, or another person. In these situations, only the amount degree 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 that may be considered proportional against an unrestrained person may not necessarily be proportional if the person is physically restrained.~~

~~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.~~

[Moved to [III-A]]

~~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.~~

~~e. Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion.~~

[Moved to [II-J]]

~~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.~~

[Moved to [II-D]]

~~4. Announce arrests~~

~~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.~~

[Moved to [II-H]]

~~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.~~

[Moved to [III-B-3]]

~~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.~~

[Moved to [III-B-3]]

~~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.~~

[Covered by 9-300]

~~Note: The officer can show the warrant via the squad computer.~~

~~B. Authorized Use of Deadly Force~~

[Moved to [III-C]]

~~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;~~
 - ~~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 intent:~~

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

[Covered by [II-H]]

D. Consider Vulnerable Populations

~~4. In accordance with P&P 7-802 De-escalation and P&P 7-809 Crisis Intervention, members shall consider the characteristics and conditions of vulnerable people when determining the lowest degree of force necessary, and shall calibrate their force practices accordingly. These considerations include 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 person's vulnerability to injury, ability to cause harm, and the individual's ability to understand or comply with commands from officersmembers. Vulnerable people can include people who are:~~

[Moved from [III-A-3-d]]

- ~~• Minors.~~
- ~~• Elderly.~~
- ~~• Pregnant.~~
- ~~• People with mental or physical health conditions.~~
- ~~• People with behavioral health challenges.~~
- ~~• People with developmental or intellectual disabilities or conditions.~~
- ~~• People with vision or hearing impairments.~~
- ~~• People with limited English proficiency.~~

~~However, members' assessment of the above factors shall not be impacted by a person's race or ethnicity, national origin, sex, gender, gender identity, religion, or a person's status with regard to public assistance.~~

1. Special decision-making considerations

As with all situations, members should implement the steps of the critical decision-making model (P&P 7-801) to inform their actions, and use de-escalation techniques and tactics whenever feasible (P&P 7-802). Members should consider which force options might be the most objectively reasonable, necessary, and proportional under the totality of the circumstances, and if no exigency or immediate safety risk exists, they should slow down and consider other reasonable solutions. Examples could include negotiation, commands, and additional resources.

a. Ability to understand or comply

Members shall consider whether a vulnerable person's condition or barrier to communication is impacting their ability to understand or comply with commands.

b. Ability of a vulnerable person to cause physical harm and likelihood of injury to the vulnerable person

Before using force on someone who is a minor, obviously pregnant, elderly, or frail, or who has another apparent physical condition, mental health condition, or developmental or intellectual disability or condition, limiting their ability to cause physical harm or increasing their likelihood of sustaining an injury, members shall take into account the individualized factors of the person including:

- Apparent age.
- Body size.
- Strength relative to the member.
- Known or perceived disabilities or conditions.
- Apparent ability to cause physical harm.
- Other risks posed by the person.

2. Minors

In addition to the requirements in P&P 8-100, P&P 8-200 and P&P 8-300 regarding all interactions and encounters with minors, the following requirements apply to force considerations with minors:

a. De-escalation and minors

As with any encounter, members are expected to continually assess the situation, use de-escalation techniques and tactics, and seek peaceful resolutions during incidents involving minors.

i. When feasible, members shall employ developmentally appropriate and trauma-informed de-escalation and communication tactics with minors including, but not limited to:

- Using a calm and measured tone and neutral demeanor.
- Using simple and direct language.
- Avoiding threatening language.

- ii. Law enforcement presence may be intimidating and threatening to minors, therefore members should approach calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, to diffuse tension and anxiety while maintaining safety. Members should avoid using threats and intimidation to gain compliance from minors.
 - iii. Members may use repetition in a clear voice to reinforce instructions. When feasible, members shall allow time for the minor to comply with instructions.
 - iv. Minors may not comply immediately, and members may need to try multiple times without resorting to force or the threat of force.
 - v. Members shall account for any fear-based reactions minors may experience during an encounter which may manifest as aggression, defensiveness, defiance, freezing, or fleeing.
- b. Minors injured by use of force
- i. If a minor is injured by a member's use of force, members shall take immediate steps to provide medical attention ([II-I] and P&P 7-350).
 - ii. Members shall notify the minor's parent, guardian, or other responsible adult of the injury as soon as feasible.

E. ~~C.~~ Duty to Intervene

1. Sworn ~~employees~~Members have an obligation to protect the public and other ~~employees~~members, and a duty to intervene to stop other members from using prohibited force and from failing to use de-escalation techniques and tactics.
2. Regardless of tenure or rank, any sworn ~~employee-member~~ who observes another ~~employee-member~~ using any force that they reasonably believe amounts to any prohibited force (including any force that is not objectively reasonable, necessary, and proportional), 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~~may be subject to discipline ~~to of~~ the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.

F. Promote Trust, and Show Respect and Dignity

1. Members shall act at all times in a manner that promotes trust between MPD and the communities it serves. Members shall exercise a high degree of ethics and professionalism, and respect for the humanity, civil rights, and dignity of all people, without discrimination or prejudice. A commitment to and demonstration of the force guiding principles are critical in building that trust.
(see P&P 0-102, P&P 5-102, P&P 5-103 and P&P 5-104)
2. Members shall not allow race, gender, ethnicity, or any other protected class status to influence any decision to use force, including the degree or type of force used, as described in section [II-D] Consider Vulnerable Populations.

G. ~~D.~~ Avoid Escalation and Officers' Actions Leading to Unnecessary Risk

1. In accordance with P&P 7-802, members shall not use tactics that unnecessarily escalate an encounter or create a need for force. Members shall use tactical positioning, other sound tactics and other available options during encounters to maximize the likelihood that they can safely control the situation.
 2. In accordance with P&P 7-802, members shall not 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 people.
 3. Members shall avoid unnecessarily displaying firearms and intermediate weapons. Members shall only display a weapon when there is an objectively reasonable belief that the situation may result in the authorized use of the weapon.
- ~~1. Officers' actions that unnecessarily place themselves, suspects, or the public at risk~~

[Moved to 7-802]

~~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

[Moved to [II-I]]

- ~~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.~~

H. F. Identify Self and Warn of Intent~~Threatening the Use of Force~~

- ~~1. As an alternative or precursor to the actual use of~~Prior to using force, ~~MPD officersmembers~~ shall identify themselves as law enforcement officers, and clearly and precisely warn ~~consider verbally announcing of~~ their intent to use force unless the person submits to their authority, including displaying an authorized weapon as a threat of force, when it is feasible to do so~~reasonable under the circumstances~~.
- a. Members shall allow a reasonable amount of time for a person to comply with a warning, when feasible to do so.
 - b. ~~Members shall only issue warnings for force options that the member reasonably believes may be necessary in the situation. The threatened use of force shall only occur in situations that an officer reasonably believes may result in the authorized use of force.~~
 - c. ~~This policy shall not be construed to authorize unnecessarily harsh language.~~
2. When making an arrest, ~~members-officers~~ shall verbally announce the arrest to the ~~subjectperson and inform the person of the warrant (if making an arrest under a warrant),~~ 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), MN Statutes sections 629.32 and 629.33, and consistent with training.

[Moved from [III-A-4]]

I. E. Duty to Provide~~Medical Treatment and Use of Force~~

[Moved from [III-E]]

- ~~1. In accordance with the sanctity of life, sworn members have a duty to provide appropriate medical treatment to those who need it (P&P 7-350). Any sworn MPD employeemember who uses force shall, as soon as reasonably practical, determine if anyone displays a visible injury or signs of medical distress, has lost consciousness, was injuredhas complained of injury or medical distress, or has requested medical attention, and shall render medical aid consistent with current 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, as specified in the specific force option policies. 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.~~

G. De-escalation

[Moved to 7-802]

- ~~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.~~

[Moved to [II-C-3-b]]

J. Prohibition on Retaliation, Punishment, and Coercion

~~e. Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion, or deterring a person from engaging in lawful conduct. This includes, but is not limited to punishing or retaliating against a person for:~~

[Moved from [III-A-3-c]]

- ~~• Fleeing.~~
- ~~• Resisting arrest.~~

- Engaging in boisterous or insulting behavior.
- Assaulting a member.
- Engaging in a protest or demonstration.
- Photographing or filming a member (P&P 9-202).

K. Duty to Report Misconduct

All members shall recognize and act upon the duty to report, as soon as feasible, any member who uses prohibited force (including any force that is not objectively reasonable, necessary, and proportional), or who fails to use de-escalation techniques and tactics when feasible. (see P&P 2-101)

L. H. Duty to Report Force Required

Authorized use of force requires careful attention to the facts and circumstances of each case. ~~Sworn MPD employees~~ Members shall write a detailed, comprehensive report for each ~~instance incident~~ in which reportable force was used (in accordance with ~~[IV-B]~~ P&P 5-302). All reportable uses of force and all reportable observations of force shall be accurately and completely documented and ~~investigated reviewed~~ pursuant to MPD's policies (P&P 5-302 and P&P 5-303).

I. Training

[Moved to [III-E]]

- ~~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.~~

M. Accountability

1. Members will be held accountable for compliance with these policies and procedures (P&P 1-100).
2. Members who use force that is discriminatory, unreasonable, unnecessary, or disproportionate, or that violates laws or policies, should expect corrective action or discipline, up to and including termination, and may be subject to criminal or civil liability.

N. Importance of Member Health and Wellness

The MPD and its members shall recognize that member health and wellness is integral to members responding effectively and lawfully in all situations, especially high-stress situations. A healthy employee is better equipped to apply the critical decision-making model and to work toward outcomes that build community trust and uphold MPD's guiding principles.
(see P&P 3-500)

IV.III. Procedures/Regulations

A. Policy Standards are Stricter than Legal Standards

~~b. MPD policy sets forth stricter standards than required by the minimum legal standard. Members are expected to comply at all times with MPD policy. 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 degree~~ 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. See the prohibitions in P&P 5-304 and the specific restrictions in the force options policies.~~

[Moved from [III-A-3-b]]

~~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.~~

B. 1. Legal Authority to Use Force standards and authorizations

When members use force, they shall comply with the United States Constitution, the MN Constitution, and other applicable laws.

~~a.1.U.S.~~ Constitutional standards

[Moved from [III-A-1-a]]

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.2.~~ Statutory authorization for use of force

[Moved from [III-A-1-b]]

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."

~~a.3.~~ Statutory authority to use force in making an arrest~~When force may be used to make an arrest~~

[Moved from [III-A-4-c] and [III-A-4-d]]

~~In accordance with MN Statute section 629.33, if an officer-a member~~ has informed a ~~subject-person~~ that the ~~officer-member~~ intends to arrest the ~~subject-person~~, and if the ~~subject-person~~ then flees or forcibly resists arrest, the ~~officer-member~~ may use all necessary and lawful means to make the arrest but ~~may-shall~~ not use deadly force unless authorized to do so under section 609.066 (MN Statute section 629.33). Such force shall also be consistent with all sections in P&P 5-300, including the requirement that force be objectively reasonable, necessary, and proportional, and the limitations on specific force options such as the limitation on using a conducted energy weapon (CEW) on a fleeing person (P&P 5-309). ~~In accordance with MN Statute section 629.32, an officer-A member~~ making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention (MN Statute section 629.32).

~~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.~~

4. The right to be free from excessive force

Every person has a right to be free from excessive use of force (MN Statute section 609.066 Subd. 1a).

C. B. Authorized Use of Deadly Force

[Moved from [II-B]]

The authority to use deadly force is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life, and shall always be the last resort.

Deadly force shall not be used against a person whose conduct is only a threat to property.

~~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 (MN Statute section 609.066 Subd. 2):
 - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. ~~C~~ean be articulated with specificity~~;~~;
 - and
 - ii. ~~I~~s reasonably likely to occur absent action by the law enforcement officer~~;~~;
 - and
 - iii. ~~M~~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, when both of the following apply: ~~whom~~
 - i. ~~T~~the peace officer knows or has reasonable grounds to believe the person has committed or attempted to commit a felony~~;~~;
 - and

ii. ~~The~~ peace 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 as detailed in this policy in clause [1-a], items [i] to [iii] (MN Statute section 609.066 Subd. 2).

~~In accordance with MN Statute section 626.8452 subd. 1a:~~

3. ~~Before using deadly force, Officers shall not use deadly force except in accordance with MN Statute section 609.066, and even in those circumstances officers~~members shall first consider all reasonably safe and feasible alternatives ~~including less lethal measures, before using deadly force~~ (MN Statute section 626.8452 Subd. 1a).

This means that members shall not use deadly force unless they have exhausted feasible de-escalation tactics and techniques, and intermediate weapons or empty hand techniques have been tried, have failed, or would be impractical or unsafe based on the totality of the circumstances.

D. Protecting Members Who Report or Intervene

In accordance with P&P 2-106, members shall not retaliate or threaten to retaliate against any member for fulfilling their Duty to Report Misconduct or their Duty to Intervene.

E. ~~I.~~ Training

[Moved from [III-I]]

1. All ~~officers-sworn members~~ 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 be designed to:
 - a. ~~Provide techniques for the use of and reinforce~~Instruct on the use and importance of de-escalation techniques and tactics.
 - b. Simulate actual ~~shooting-use of force~~ situations and conditions, ~~and~~
 - c. Enhance ~~officers'-members'~~ exercise of discretion and judgement in using options other than deadly force, in accordance with this policy.
3. Before being authorized to carry a firearm all ~~officers-sworn members~~ shall receive training and instruction ~~with regard to on~~ 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 5-30~~42~~, P&P 5-312, P&P 3-200 and P&P 5-400). Such training and instruction shall continue on at least an annual basis.

4. Members shall only carry weapons and force devices for which they are currently trained and authorized to use through the MPD Training Division (P&P 5-304). Before carrying an authorized weapon or force device, all ~~officers-members~~ 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 5-3025-304~~). Such training and instruction shall continue on at least 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.

F. A. Transfer of Custody

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

- 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-person, whether the patient-person refused or accepted EMS, and whether the patient-person was transported by EMS for further treatment.

G. A. State Requirement for Policy

[Moved from [I-A]]

~~MN Statute section 626.8452 requires the~~ The MPD ~~must~~ 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~~ in accordance with MN Statute section 626.8452.

This policy is to be reviewed annually.

H. Policy Application

This policy (P&P 5-301) applies to all licensed peace officers engaged in the discharge of official duties.

[Moved from [I-C]]

V. IV. H. Definitions

Critical Decision-Making Model (CDM): A tool that allows members to organize situational factors and inform their decisions as they respond to police incidents of all degrees of complexity. All sworn members are trained in using the critical decision-making model (CDM). (P&P 7-801)

De-escalation: Techniques and tactics to reduce the intensity of a situation. These strategies serve to increase the likelihood of voluntary compliance, minimize the need to use force, and uphold the sanctity of life by enabling members to resolve situations without the use of force or

~~with the lowest degree of force necessary. (P&P 7-802) 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.~~

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.” (MN Statute section 609.066)

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

Empty Hand Technique: Force that employs the member’s own body as the mechanism of force (also called bodily force). Empty hand techniques do not include the use of an intermediate or improvised weapon. (P&P 5-306)

Feasible: Objectively reasonably capable of being safely done or carried out.

Flight/Fleeing: ~~Is an~~ An effort by the subject person to avoid arrest or capture by fleeing without the aid of a motor vehicle through actions such as running, biking or driving away.

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 (MN Statute section 609.02 Subd. 8).

Imminent Threat: A threat is imminent when it can be articulated with specificity, is reasonably likely to occur absent action by the law enforcement officer, and must be addressed through the use of objectively reasonable, necessary, and proportional force without unreasonable delay. An imminent threat is not merely a fear of future harm, no matter how great the fear, and no matter how great the likelihood of harm.

Intermediate Weapon: Weapons that are not intended to cause death or serious physical injury and are not empty hand techniques. These include CEWs, chemical aerosols, chemical munitions, impact projectiles, and batons.

Objectively Reasonable Force: ~~The amount degree and type of force that a reasonable officer would consider be considered rational and logical to an “objective” officer on the scene, based on the totality of the supported by facts and circumstances known to an officer at the time force was used (as required by P&P 5-301 [II-C-1]), to bring a person or situation safely under control.~~

Physical Disengagement: When physically engaged with a person, disengagement is breaking contact or physically creating space between the member and the person to allow for reassessment of the situation.

Physically Restrained: Restraint or restrain refers to a member's use of force to physically restrict the free movement of a person's body.

Reportable Force: Force used that is required to ~~have some level of Force Reporting~~ be reported in accordance with ~~this policy [IV-B]~~ the policy on Use of Force Reporting (P&P 5-302).

Subject Behaviors: The actions, language, demeanor and conduct exhibited by a person. The behaviors are used to categorize and assess the degree of cooperation, resistance, or threat posed by the person.

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

Passively Resisting: The subject person is not complying with ~~an officer's~~ a member's commands and is uncooperative but is taking only minimal ~~physical~~ action to prevent ~~an officer~~ a member from placing the subject person in custody ~~and or~~ taking control of the situation. Examples include:

- Sstanding stationary and not moving upon lawful direction.
- Falling limply and refusing to use their power to move (becoming "dead weight").
- Verbal non-compliance: Using language that signals an intention to avoid or prevent being taken into custody but does not signal an intent to cause physical harm.
- ~~holding onto a fixed object or locking arms to another during a protest or demonstration~~

Active Resisting: The ~~subject's person's verbal or physical~~ actions are intended to prevent ~~an officer~~ a member from placing the subject person in custody ~~and or~~ taking control of the situation but are not directed at harming the ~~officer~~ member. A person's reaction to pain caused by a member, and a person's purely defensive reactions to force, do not constitute active resistance. Oral statements alone do not constitute active resistance. Examples include:

- Walking or running away after being informed they are not free to leave, are detained, or are under arrest.
- breaking Forcefully resisting the ~~officer's~~ member's grip.
- Holding onto a fixed object after being given a lawful command to move or let go, in a situation other than a protest or demonstration (P&P 7-805).

Subject Intent to Objectively Imminent Physical Harm:

Aggressively Resisting or Assaultive: The subject person displays the intent to imminently harm the ~~officer~~ member, 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~~ Examples include:

- Taking a fighting stance (such as clenching and raising fists into a boxer pose or a substantially similar action).
- Punching, kicking, or otherwise 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 person displays the intent to imminently harm the member, themselves or another person, and the person's actions are likely to result in great bodily harm or death ~~or great bodily harm to the officer, themselves or another~~. These actions may Examples include:

- Use of a firearm.
- Use of a blunt or bladed weapon.
- Extreme physical force.

Tactical Disengagement: A strategic decision to leave, delay contact, or delay custody of a person when there is not an immediate need to detain them.

Tactical Positioning: A member's attempts to place themselves in the best tactical position possible to reduce unnecessary risk, plan for contingencies, allow for other de-escalation techniques and tactics, and allow for implementation of the critical decision-making model.

Totality of the Circumstances: All facts known to the member at the time, including the conduct of both the member and the person leading up to the action (such as the use of force).

Use of Force: An intentional contact, directly or indirectly (such as through a weapon or force device), with someone's body ~~bodily contact,~~ that causes pain or injury or restricts, controls or directs someone's movement. Intentionally placing someone in fear of such contact, or threatening such contact, can also constitute 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-member 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-member that results in restraint physical restriction or physical manipulation of movement ~~the physical movement of another,~~
- Unholstering or displaying a weapon, when engaged with a subject or subjects, or pointing a weapon at a person.

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.~~