

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TO: Distribution "A"			RETENTION DATE: Until Rescinded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 Reporting			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: This policy is being updated with the other use of force policies in 5-300 to incorporate the new requirements.

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 Reporting

(01/01/23) (03/17/23) (02/08/24) (12/03/24) (08/23/25)

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

I. Purpose

A. Recording, analyzing, and acting on quality data is critical for MPD to make data-driven decisions that are shaped by public safety needs and respect for the sanctity of life, and are free from discrimination.

B. These reporting requirements are designed to provide MPD with the information necessary to:

- Ensure supervisors receive timely notification so they can complete force reviews, which are essential in ensuring compliance with policy and identifying necessary corrective action.**
- Determine whether the use of force was objectively reasonable, necessary, and proportional in accordance with P&P 5-301.**
- Determine the effectiveness of policy, training, tactics, and supervision.**
- Provide for community and MPD member safety.**
- Hold members and supervisors accountable.**
- Provide the community with accurate information regarding use of force by MPD members.**

~~I. Force and De-escalation Reporting~~

~~A. Force Reporting in PIMS~~

- ~~1. Anything other than routine contact with a person is considered a use of force. Examples of routine contact may include pat downs or incidental contact and they do not require use of force reporting.~~
- ~~2. All uses of force must be reported in PIMS as detailed in this policy, except for escort holds, touch and handcuffing that do not result injury or complaint of injury.~~
- ~~3. 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, and the report shall include the code "FORCE."~~

[Moved to [III-B]]

~~B. Force-related items to include in Narrative Text~~

[Moved to [III-B]]

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

- ~~• Any efforts to de-escalate prior to the use of force.~~
- ~~• Why the officer decided to use force.~~
- ~~• Why the officer decided to use the level or levels of force used.~~
- ~~• 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.~~
- ~~• 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.~~
- ~~• 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.~~~~

~~C. Supervisor notification of force~~

~~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, so the supervisor can fulfill their responsibilities.~~

[Moved to [III-A]]

~~D. De-escalation reporting requirements~~

~~Any time a Use of Force details page is required for an incident, the officer shall complete the de-escalation section in the Use of Force details page and shall describe their de-escalation efforts in the Narrative Text.~~

[Moved to [III-B]]

~~E. Force Reporting Timeliness~~

~~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. In all other cases, all required Force Reporting shall be completed as soon as practical, but no later than the end of the shift.~~

[Moved to [III-E]]

II. Reporting Reportable Requirements Levels of Force

A. Actions Not Requiring No Rreporting required

The following listed actions do not require any ~~f~~Force ~~r~~Reporting (Use of Force details page, Narrative Text or supervisor notification) unless they result in an injury or complaint of injury or pain:

- Control or Eescort holds.
- Touch contact.
- Handcuffing use (a Police Report is still required- see the Handcuffing section below).

B. Level 1 Rreportable ~~use of F~~force

1. Level 1 definition and types

Level 1 reportable force involves ~~using~~ low levels of force that are-could reasonably ~~expected to cause~~ transitory pain-or-injury but do not result in injury or complaint of injury or pain, and also includes the display of firearms, the pointing of firearms, and the pointing of certain intermediate weapons. Level 1 types of force include:

- Displaying or pointing a firearm when engaged with any subject.
- Pointing a firearm at a person.
- Pointing an less-lethalimpact projectile launcher when engaged with a subjectat a person.
- Performing a CEW warning alert, when engaged with a subject.
- Pointing a CEW at a person.
- Laser painting a person with a CEW or other weapon or device.
- Pointing a hand-held chemical aerosol at a subject.
- Pointing a taser or conducted electronic/energy weapon (CEW), using a CEW to conduct a warning arc, and laser painting with a CEW, when engaged with a subject.

- Pressure point compliance techniques.
- Joint manipulations (including w~~Wristlocks, armbars, etc. and joint manipulation techniques).~~
- ~~Weaponless strikes other than strikes to the head or neck.~~
- Weaponless defense techniques such ~~as push-aways, holds or slaps~~ as shoves.
- Body weight to pin.
- ~~Takedowns and leg sweeps.~~
- Control pressure ~~while handcuffing~~.
- Using an A~~authorized~~ or improvised tool to push a subject without striking (such as a baton pushes and baton shoves).
- Any other use of force that does not rise to a level 2 reportable force or level 3 reportable ~~use of~~ force.

~~2. Display and pointing~~

~~a.2.~~ Reporting firearm display and pointing for specific tactical operations

~~i.a. An officer~~ A member engaged in the execution of a building search warrant or engaged in an Operation 100 shall be required to report level 1 reportable force involving the displaying or pointing ~~of~~ a firearm only when it involves a sustained active engagement with a person to gain that person's compliance.

~~ii.b. An officer~~ A member who quickly "sweeps" a room during a building search warrant, alarm call, hot call, or Operation 100 is not required to report each person at whom a firearm was momentarily pointed during the sweep. The circumstances of the sweep shall be described in the Narrative Text or call notes (if a Police Report is not required).

~~b. Related terms~~

[Moved to [VI Definitions]]

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 a person 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 a person in crisis), with the intent to use or imply the use of the weapon. This includes using a CEW to conduct a warning arc or laser paint, and aiming firearms and less-lethal launchers.~~

~~3. Level 1 reporting requirements~~

~~A Use of Force details page and Narrative Text are required for all level 1 uses of force. Supervisor notification is not required.~~

C. Level 2 ~~R~~reportable ~~use of F~~force

1. Level 2 definitions and types

Level 2 reportable force involves ~~using force that includes~~ the use of an intermediate less-lethal weapon, weaponless strikes in specific situations, or force that causes injury or complaint of injury or pain but does not rise to a level 3 reportable ~~use of~~ force. Level 2 types of force include:

- ~~Discharge of an MPD-authorized~~ chemical aerosol.
- ~~Deploying a CEW. Discharge of a taser or conducted electronic/energy weapon (CEW) (including probes/darts and drive stun/touch).~~
- Weaponless strikes to the head or neck if the individual's head is not near a hard surface other than the following which must be reported as level 3 reportable force ([II-D]):-
 - o Level 3: Weaponless strikes to the head or neck if the person's head is near a hard surface.
 - o Level 3: Knee strikes or kicks to the head or neck.
 - o Level 3: Weaponless strikes to the throat.
- ~~Impact weapon~~Baton strikes ~~(including and improvised impact weapon strikes)~~ to any part of the body other than the head, ~~or neck, throat, face, sternum, armpit, spine, kidneys, or groin.~~
- Impact projectile that does not impact the head, neck, throat, face, chest, armpit, spine, or groin~~Impact munition use (40mm or handheld).~~
- Chemical munition use.
- ~~Physical apprehension by a canine~~Canine apprehension.
- Any reportable ~~use of~~ force against a handcuffed ~~individual person other than~~ control pressure (see section [IVE] for additional requirements).
- Flash sound distraction device (FSDD) use.
- Takedowns (including leg sweeps, vehicle extractions to the ground, and baton pushes and baton shoves that result in the person ending up on the ground or floor).
- Use of any other ~~less-lethal weapon, meaning a weapon that does not have a reasonable likelihood of causing or creating a substantial risk of death or great bodily harm~~intermediate weapon.
- A control or An-escort hold, touch contact, handcuff use, or other action that results in an injury or complaint of injury or pain.
- Any use of force by an MPD ~~officer member~~ that results in injury or complaint of ~~an~~ injury or pain, except level 3 reportable ~~uses of~~ force.
 - o This includes aggravation of a preexisting injury.

- ~~Any~~ Physical contact with the neck during a use of force, including incidental contact and touching, that does not amount to level 3 reportable force.
 - o This does not include neck contact during a medical assessment such as checking someone's pulse.

- ~~Maximal restraint device (prohibited).~~

~~2. Level 2 reporting requirements~~

~~A supervisor notification is required in addition to a Use of Force details page and a Narrative Text for all level 2 uses of force.~~

D. Level 3 ~~R~~reportable ~~use of F~~force

1. Level 3 definition and types

Level 3 reportable force involves ~~any~~ force that causes ~~or force that should have reasonably been known to create or cause a substantial risk of death or great bodily harm, and any force that results in hospital admissions~~ substantial bodily harm, great bodily harm, or death, and other specified actions below. ~~Level 3 types of force include:~~

- Deadly force.
- Using a vehicle to make intentional contact with a person.
- Using a vehicle to strike another vehicle.
- Any firearm discharge, except:
 - o Discharges during approved testing or training, or for recreational purposes.
 - o Dispatching an animal that is sick, dangerous or injured, with no injury to a person.
- Using ~~an impact weapon~~ a baton (including ~~or an improvised impact weapon)~~ to strike a person's head, ~~or neck, throat, face, sternum, armpit, spine, kidneys, or groin.~~
- Impact projectile use that impacts the head, neck, throat, face, chest, armpit, spine, or groin.
- Weaponless strikes to the head or neck if the ~~individual's~~ person's head is near a hard surface.
 - o ~~A "hard surface" means any surface that is unyielding or unlikely to absorb any meaningful force or impact. For example, concrete, frozen ground, wood surfaces, metal surfaces, etc.~~
 - o ~~If an individual is "near a hard surface," that means that a weaponless strike to that person's head would cause a direct and immediate impact with the hard surface as a result of the strike. For example, if the person is against a car or lying on the street.~~
- Knee strikes or kicks to the head or neck.
- Weaponless strikes to the throat.

- Energizing a CEW on a person for more than fifteen total seconds.
- Force associated with or resulting in loss of consciousness, substantial bodily harm, great bodily harm, or death.
- Any force that causes injury resulting in admission to a hospital.
 - o ~~Admission to the hospital does not include treatment and release in the emergency department, no matter how long the stay (if the person was not admitted to the hospital).~~
[Moved to [VI Definitions]]
- ~~Neck restraints, including choke holds (prohibited).~~

~~2. Level 3 reporting requirements~~

~~A supervisor notification is required in addition to a Use of Force details page and a Narrative Text for any level 3 uses of force.~~

~~3.2.~~ No review of recordings

For Critical Incidents, the procedures relating to review of audio and visual data in P&P 7-810 apply. For other level 3 ~~uses of reportable~~ force, ~~officers members~~ shall not review any recordings including body worn camera footage prior to being interviewed or completing use of force documentation, unless doing so is necessary to address an immediate threat to life or safety while in the field. This does not prohibit supervisors from reviewing recordings when conducting their required reviews (P&P 5-303).

E. Reporting Prohibited Force

The following types of force are prohibited (P&P 5-304). Nevertheless, reporting requirements for these prohibited types of force are as follows:

1. Maximal restraint techniques shall be reported and reviewed as level 2 reportable force.
2. Neck restraints, including choke holds, shall be reported and reviewed as level 3 reportable force.

III. Reporting and Notification Requirements for Level 1, Level 2, and Level 3 Reportable Force

A. ~~C.~~ Supervisor ~~N~~otification of ~~F~~orce

~~When supervisor notification is required, the~~ The member employee who used a reportable use of force shall remain on scene and immediately make direct contact with a supervisor by phone or radio, so the supervisor can fulfill their responsibilities.

[Moved from [I-C]]

B. ~~B.~~ Reporting Force Used in PIMS ~~Force-related items to include in Narrative Text~~

[Moved from [I-B]]

1. ~~3-~~ The member who used a reportable use of force shall complete ~~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, and the report shall include~~ the code “FORCE,” ~~a Use of Force details page (accounting for each reportable use of force), and a Narrative Text.~~

[Moved from [I-A-3]]

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

[Moved from [I-B]]

- The reason for the initial interaction (whether it was a stop, arrest, other enforcement action or other type of encounter).
- A specific description of the subject’s behavior prior to the use of force and throughout the encounter.
- The subject’s alleged offenses.
- If the subject was engaged in any first amendment-protected activity, a description of the activity.
- Known or perceived information regarding the subject’s mental health or medical condition, disability, difficulty understanding verbal commands, and use of drugs or alcohol.
- Any efforts to de-escalate prior to the use of force and throughout the encounter.
- An explanation of why any de-escalation techniques or tactics were determined to be not feasible.
- A thorough and complete description of each use of force by the member.
- The circumstances and factors the member considered for each use of force. ~~Why the officer decided to use force.~~
- ~~Why the officer decided to use the level or levels of force used.~~
 - How the subject’s behavior and circumstances changed after each use of force.
 - How changes or lack of changes in the subject’s behavior and circumstances contributed to the member’s use of force considerations.
 - Why each use of force used was objectively reasonable, necessary, and proportional under the totality of the circumstances (including each strike, deployment or other use of an empty hand technique or weapon).
- Whether the subject was injured, displayed signs of an injury, or complained of an injury, and the nature of the injuries. This includes pre-existing injuries aggravated by, or injuries suffered as the result of, the force used.
- Whether medical aid was rendered, whether or ~~Emergency Medical Services (EMS) was called, and whether the officer-member who used force was the same officer-member who rendered aid or called EMS.~~
- 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.

- Whether there are BWC or in-car camera recordings, and whether the member viewed the recordings prior to completing their use of force documentation.

3. Members shall use specific and descriptive language, individualized to the circumstances, and shall not use only boilerplate language when describing the incident.

D. De-escalation reporting requirements

4. Any time a Use of Force details page is required for an incident, the ~~officer-member~~ shall also complete the de-escalation section in the Use of Force details page ~~and shall describe their de-escalation efforts in the Narrative Text.~~

[Moved from [I-D]]

5. See the restrictions in in the section on level 3 reportable force regarding review of video ([II-D-2]).

C. Complaint of Injury or Pain from Force

1. If the subject complains of injury or pain from force, and the member visibly identifies an injury, the force shall be reported as level 2 reportable force or level 3 reportable force.
2. If the subject complains of pain or injury from force and the member does not visibly identify an injury, then the member shall ask the person the following or similar questions to identify if a reportable injury occurred:
 - a. Do you feel like you have a broken bone, or pulled or sprained muscle, tendon or ligament, related to the use of force?
 - b. Do you have persistent pain, numbness or tingling related to the use of force?
 - c. Do you have any prior injuries or conditions related to the area of pain that were aggravated by the use of force?
 - d. Do you feel you need immediate medical attention or an ambulance?
3. If the subject answers “yes” to any of those questions, medical treatment shall be provided in accordance with P&P 7-350 and the force shall be reported as level 2 reportable force or level 3 reportable force.

D. Reporting Observed Force in Non-Critical Incidents

1. Any member who is physically present and observes another member use level 2 reportable force or non-critical incident level 3 reportable force shall accurately and thoroughly describe the use of force in their Narrative Text.
2. The member who observed the force shall also complete required fields in the Use of Force details page.

E. ~~E~~-Force Reporting Timeliness

[Moved from [I-E]]

1. In Critical Incidents, ~~f~~Force ~~r~~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 ~~f~~Force ~~r~~Reports shall be completed at the same time as the required Police Report.
2. In all other cases, all required ~~f~~Force ~~r~~Reporting, including by members who used force and by members who observed force, shall be completed as soon as practical, but no later than the end of the shift. Members needing medical attention may be granted an appropriate extension of the deadline.

F. Prohibition on Joint Narrative Writing

1. Members shall complete use of force reports and documentation truthfully, based on their own recollection of the incident and from their own perspective. Members may review body worn camera (BWC) footage to aid in their documentation for level 1 reportable force and level 2 reportable uses of force (see the level 3 reportable force restrictions in [II-D-2]).
2. Members are prohibited from sharing information about the use of force with another member for the purpose of justifying their use of force. This does not prohibit on-scene communication such as scene management, on-scene assessments, tactical debriefs, and sharing information with a supervisor as part of a notification or force review (P&P 5-303).
3. In circumstances where multiple members report on a use of force, the review process recognizes that different members may have varying information and recollections. Accordingly, differences in reporting do not automatically indicate a lack of truthfulness (P&P 5-303).

IV. ~~E~~-Handcuffing

1.A. ~~P~~olice Report ~~R~~equired

- ~~a.~~1. A Police Report is required for any incident involving handcuff~~ing~~ use. The circumstances necessitating handcuffing shall be documented in a Narrative Text.
- ~~b.~~2. The application of handcuffs shall be marked in the corresponding box on ~~each-the~~ Entity page for each person handcuffs were applied to, subject to the exception for mass arrests below.
- ~~c.~~3. 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.
- ~~d.~~4. Handcuffing-Handcuff use does not require the code FORCE or a Use of Force details page unless an injury or alleged injury occurred it results in an injury or complaint of injury or pain.

2.B. Injuries From Handcuff Use

1. If handcuffs themselves or the act of handcuffing will be classified as a level 2 or level 3 use of force if it results in an injury, complaint of injury or pain, or aggravation of a preexisting injury, then the handcuff use shall be reported as level 2 reportable force or level 3 reportable force.
2. A complaint solely of discomfort from handcuff use (as defined below) shall not be considered reportable force.
3. To determine if a complaint of injury or pain from handcuffing or handcuffs should be reported as level 2 reportable force or level 3 reportable force members shall do the following:
 - a. Remedy any issues with spacing or application when safe to do so, and then ask the person if they still feel pain or discomfort.
 - b. If the person is still feeling pain or discomfort, the member shall ask the person the following or similar questions:
 - i. Do you feel like you have a broken bone, or a pulled or sprained muscle, tendon or ligament, related to the handcuff use?
 - ii. Do you have persistent numbness or tingling related to the handcuff use?
 - iii. Do you have any prior injuries or conditions related to the area of pain that were aggravated by the handcuff use?
 - iv. Do you feel you need immediate medical attention or an ambulance?
 - c. If the person answers "yes" to any of those questions, medical treatment shall be provided in accordance with P&P 7-350 and the handcuff use shall be reported as level 2 reportable force or level 3 reportable force.
 - d. If the answers are "no," the complaint may be considered a complaint of discomfort from handcuff use.

3.C. Reporting Handcuffing Use in Mass Arrests

- a. 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.
 - i. The officer shall still enter a Narrative Text for the incident and describe their actions.
 - ii. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.

- ~~c. 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.~~

See P&P 7-805 for special conditions that apply to reporting handcuff use in mass arrests (when authorized by the Chief or an Assistant Chief or Deputy Chief).

~~F. 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 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 Use of 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~~

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

~~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.~~

~~G. 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.~~

[Covered by 7-350]

V. Force Used During Off-Duty Employment Outside of Minneapolis

When an MPD-issued Conducted Energy Weapon (CEW) is used during the scope of off-duty employment outside of Minneapolis (i.e. for another law enforcement agency), the member shall obtain a Minneapolis CCN from MECC and complete a Police Report with the code AOA and refer to the outside employer's incident report in the Narrative Text.

The member shall then download the device and store the information under the Minneapolis CCN (the MPD CEW must be approved for use with the outside agency in the required Letter of Agreement per P&P 3-801).

This process is to ensure MPD's documentation includes a record of the device use.

VI. Definitions

Empty Hand Technique: Force used by a member 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)

First Amendment-Protected Activity: All forms of speech and expressive conduct protected under the First Amendment of the United States Constitution, including but not limited to speech and conduct used to convey ideas or information, express grievances, or otherwise communicate with others, and includes both verbal and non-verbal expression.

Level 1 Reportable Force: Level 1 reportable force involves low levels of force that are reasonably expected to cause transitory pain but do not result in injury or complaint of injury or pain, and also includes the display of firearms, the pointing of firearms, and the pointing of certain intermediate weapons. See the reporting requirements for included types (P&P 5-302 section [II-B]).

Displaying a Firearm: Displaying means having a firearm in hand, while engaged with a subject. For a handgun, this means having it fully out of the holster (including the holster index position), while engaged with a subject. This does not include having the handgun

holster ready. For larger firearms such as rifles, this means having it in hand (slung or unslung), while engaged with a subject.

Engaged with a Subject: Treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident. An example of a person who is the focus of law enforcement attention is a person in crisis who may not be suspected of committing a crime.

Pointing a Firearm: Directing a firearm towards a person, with the intent to use or imply the use of the firearm.

Pointing a CEW: Directing a CEW towards a person, with the intent to use or imply the use of the weapon.

Pointing an Impact Projectile Launcher: Directing an impact projectile launcher towards a person, with the intent to use or imply the use of the weapon.

Pointing a Hand-Held Chemical Aerosol: Directing a hand-held chemical aerosol towards a person, with the intent to use or imply the use of the weapon.

Transitory Pain: Pain that is temporary and short-lived (fleeting) and resolves quickly once the underlying cause is addressed or ceases. Examples can include pinched skin, a stubbed toe, a knock on the “funny bone,” etc.

Level 2 Reportable Force: Level 2 reportable force involves the use of an intermediate weapon, weaponless strikes in specific situations, or force that causes injury or complaint of injury or pain but does not rise to level 3 reportable force. See the reporting requirements for included types (P&P 5-302 section [II-C]).

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.

Injury and Complaint of Injury or Pain:

Injury: Any scuff, bruise, scrape, cut, abrasion, suspected fracture, suspected concussion, or other wound identified on a person, or anything beyond transitory pain.

Complaint of Injury or Pain: A person’s claim or expression of pain or injury. The complaint does not necessarily have to be associated with a visible injury.

Complaint of Discomfort from Handcuff Use: A complaint that when all of the following apply:

- The complaint was not a result of resisted handcuffing.
- Any issues with spacing and application were immediately remedied by the member when safe to do so.
- The handcuff use did not cause an injury (see the handcuffing section [IV] in P&P 5-302).

Level 3 Reportable Force: Level 3 reportable force involves force that causes substantial bodily harm, great bodily harm, or death, and other specified actions (P&P 5-302 section [II-D]).

Hard Surface: Any surface that is unyielding or unlikely to absorb any meaningful force or impact. For example, concrete, frozen ground, wood surfaces, metal surfaces, etc.

Near a Hard Surface: If a person is “near a hard surface,” that means that a weaponless strike to that person’s head would cause a direct and immediate impact with the hard surface as a result of the strike. For example, if the person is against a car or lying on the street.

Admission to the Hospital: When a patient is formally received for inpatient care because they have a serious medical problem or because they cannot be adequately treated elsewhere.

- Admission to the hospital should be determined by asking the attending doctor or medical staff whether the patient is being admitted.
- Admission to the hospital does not include treatment and release in the emergency department, no matter how long the stay (if the person was not admitted to the hospital).

Deadly Force: “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)

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).

Substantial Bodily Harm: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member (MN Statute section 609.02 Subd. 7a).