5-301 Use of Force

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

Revisions to prior policies: (10/11/02) (10/16/02) (08/17/07) (12/15/09) (10/01/10) (04/16/12) (06/01/12) (09/23/15) (07/28/16) (08/18/17) (06/16/20) (07/17/20)

I. Purpose

A. Sanctity of Life

Sanctity of life and the protection of the public are the cornerstones of the MPD’s use of force policy. Officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.

B. State Requirement for Policy

MN Statute section 626.8452 requires the MPD to establish and enforce a written policy governing the use of force, including deadly force and state-mandated pre-service and in-service training in the use of force for all sworn MPD employees.

This policy is to be reviewed annually.

C. Use of Force Chapter Purpose

1. The use of force against a community member is a significant action and must be recognized as such.

2. Officers’ use of force practices impact community trust and legitimacy, and the ability of officers to partner with communities to promote public safety and officer safety.

3. MPD officers are authorized to use force in the course of their duties to achieve a lawful objective, protect others, and to protect themselves.

4. The authority to use force is not unlimited and is subject to the requirements of the constitutions of the United States and the State of Minnesota, Minnesota and federal law, and the ordinances and policies of the City of Minneapolis.

5. The provisions of this chapter seek to:

   a. Recognize the humanity, dignity, and civil rights of individuals.
b. Facilitate compliance with the law, by providing all sworn MPD employees with clear and consistent policies and procedures regarding the use of force while engaged in their official duties.

c. Ensure that MPD policies regarding the use of force:
   - Promote public safety,
   - Ensure that officers engage in nondiscriminatory uses of force,
   - Reduce the circumstances in which using force is necessary,
   - Promote officer safety, and
   - Ensure accountability when MPD officers use force that is inconsistent with law or policy.

d. Build public confidence that officers are acting consistently with law enforcement objectives, community needs and values, and in the interest of public safety.

II. Definitions

De-escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

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

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

Flight: Is an effort by the subject to avoid arrest or capture by fleeing without the aid of a motor vehicle.

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

Objectively Reasonable Force: The amount and type of force that would be considered rational and logical to an “objective” officer on the scene, supported by facts and circumstances known to an officer at the time force was used.

Reportable Force: Force used that is required to have some level of Force Reporting in accordance with this policy and the policy on Use of Force Reporting (P&P 5-302).

Subject Behaviors:
Compliant: The person contacted by an officer acknowledges direction or lawful orders given and offers no passive, active, aggressive or aggravated aggressive resistance.

Passive Resistance: The subject is not complying with an officer's commands and is uncooperative but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include:

- Standing stationary and not moving upon lawful direction.
- Falling limply and refusing to use their power to move (becoming "dead weight").
- Holding onto a fixed object or locking arms to another during a protest or demonstration.

Active Resistance: The subject’s verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control but are not directed at harming the officer. Examples include:

- Walking or running away.
- Breaking the officer’s grip.

Objectively imminent physical harm:

Aggressive Resistance or Assault: The subject displays the intent to harm the officer, themselves or another person and to prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject:

- Taking a fighting stance.
- Punching, kicking, striking.
- Taking other actions which present an imminent threat of physical harm to the officer or another.

Aggravated Aggressive Resistance or Aggravated Assault: The subject’s actions are likely to result in death or great bodily harm to the officer, themselves or another. These actions may include:

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

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.

Use of Force: An intentional, direct or indirect, bodily contact that causes pain or injury or restricts someone’s movement. Intentionally placing someone in fear of such contact, or threatening such contact, also constitutes force. This includes, but is not limited to:
• The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another.
• Any physical strike to any part of the body of another.
• Any physical contact or threat of contact by the officer or a weapon that causes or threatens to cause pain or injury to another.
• Any physical contact or threat of physical contact by the officer that results in restraint or physical manipulation of the physical movement of another.
• Unholstering or displaying a weapon, when engaged with a subject or subjects.

**Low-Level Force:** Force not intended to and with a low probability of causing injury.

**Non-Deadly Force:** Force that does not have the reasonable likelihood of causing or creating a substantial risk of death or great bodily harm. This includes, but is not limited to, physically subduing, controlling, capturing, restraining or physically managing any person. It also includes the actual use of any less-lethal weapons and other weapons not normally considered deadly force options, when used consistent with MPD training and policy.

**Less-Lethal Weapon:** A weapon that does not have a reasonable likelihood of causing or creating a substantial risk of death or great bodily harm.

**Deadly Force:** MN Statute section 609.066 states that Deadly Force means: “Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.”

### III. Policy

**A. Legal Standards and Authorizations**

1. **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.”

2. **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.”

B. Force Guiding Principles

1. Avoid using force when feasible

Officers shall engage in interactions with community members and resolve incidents without resorting to the use of force, including through de-escalation strategies, when feasible.
(see [IV-D])

2. Use only objectively reasonable force

Officers shall only use force consistent with a critical decision-making model, and only when that specific type of force is objectively reasonable, necessary, and proportional to the threat as reasonably perceived at the time.
(see IV-A])

3. Modulate or discontinue force

Officers shall modulate or discontinue the use of force as the threat subsides or when an individual is restrained.
(see [IV-A-3-b])

4. Show respect and dignity

Officers shall act at all times with a high degree of ethics, professionalism, and respect for the public and the dignity of all people and act without discrimination or prejudice.
(see P&P 5-102, P&P 5-103 and P&P 5-104)

5. Promote trust

Officers shall act in a manner that promotes trust between MPD and the communities it serves.
(see P&P 5-102)

6. Duty to de-escalate

Officers have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary
7. Avoid unnecessary risk of injury

Officers shall use force in a manner that avoids unnecessary injury or risk of injury to community members and officers.
(see [IV-E])

8. Identify self and warn of intent

Officers shall identify themselves as a law enforcement officer and, when feasible, warn of their intent to use force.
(see [IV-I])

9. Avoid retaliation or punishment

Officers shall not use force to punish, retaliate, or deter a person from engaging in lawful conduct.
(see [IV-G])

10. Calibrate force to accommodate

Officers shall reasonably account for and calibrate force practices to accommodate people with disabilities, youth, and the elderly, or who are experiencing a language barrier.
(see [IV-B])

11. Duty to intervene

Officers shall recognize and act upon the duty to intervene to stop any officer from using any prohibited, inappropriate, or unreasonable force or failing to de-escalate.
(see [IV-C])

12. Duty to report

Officers shall recognize and act upon the duty to report any officer who used any prohibited, inappropriate, or unreasonable force, or failed to de-escalate when feasible.
(see P&P 2-101)

13. Report force

Officers shall accurately and completely report all reportable force used and all reportable observations of force.
(see [IV-J])
14. Recognize health and wellness

The MPD and officers shall recognize that officer health and wellness is integral to officers’ responding effectively and lawfully in high-stress situations.
(see P&P 3-500)

15. Hold officers accountable

The MPD and officers shall ensure that officers are held accountable for use of force that is discriminatory, not objectively reasonable, or otherwise violates law or policy.
(see [IV-L])

C. Authorized Use of Deadly Force

In accordance with MN Statute section 609.066 Subd. 2:

1. The use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

   a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
      i. can be articulated with specificity;
      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.

D. Policy Application

This policy applies to all licensed peace officers engaged in the discharge of official duties.

IV. Procedures/Regulations

A. Objectively Reasonable Force Consistent with Policy, Law and Training

Sworn employees shall only use 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 an officer or third 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
   a. Sworn MPD employees shall only use the amount of force that is objectively reasonable.
   b. Sworn employees 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 officer or others.
      iii. Whether the person is actively resisting arrest or attempting to evade arrest by flight.
      iv. The influence of drugs or alcohol or the mental capacity of the individual.
      v. The age, condition, or disability of the individual.
      vi. The time available to an officer to make a decision.
      vii. The proximity or access of weapons to the individual.
      viii. The risk to bystanders or others from the use of force.
      ix. The location, time of day, and other physical circumstances.
      x. Other exigent circumstances.
c. The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

2. Necessary

Sworn MPD employees shall use the lowest level of force needed to provide for the safety of any person or MPD employee, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.

3. Proportional

Sworn employees shall only the force that is proportional to the threat, actions, and level of resistance offered by a person.

a. Level of threat

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

b. Modulate force

When or if the person offers less resistance, employees shall decrease the amount or type of force accordingly.

c. Restraints

Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used. Force used against a restrained or handcuffed individual shall be viewed with increased scrutiny in determining reasonableness.

4. Consistent with policy and training

Sworn MPD employees are only authorized to use force consistent with MPD training. Just because force is legally justified does not automatically mean that using force or the level of force is authorized by policy; for example, some specific types of use of force are limited to specific circumstances and force must comply with all applicable sections of policy including those related to de-escalation.

Some specific examples include that:
• While MN Statute includes Choke Holds as legally permissible in Deadly Force situations, MPD officers are prohibited from using such techniques, including in Deadly Force situations (see the Prohibition on Neck Restraints and Choke Holds section in P&P 5-304).
• Discharging firearms at motor vehicles is restricted under the Firearms section in P&P 5-312.

5. Document the circumstances

These facts and circumstances regarding objective reasonableness shall be articulated when documenting force (in accordance with the Force Reporting section in this policy).

B. Calibrate to accommodate

1. Special care

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.

2. Juveniles

a. De-escalation and juveniles

In accordance with P&P 7-809 and the De-escalation portion of this policy ([IV-D]):

i. When feasible, officers shall employ developmentally appropriate and trauma-informed de-escalation and communication tactics with juveniles including, but not limited to:
   • Using a calm and measured tone, and a neutral demeanor.
   • Using simple and concrete language and direct phrases.
   • Avoiding threatening language.

ii. Officers may use repetition in a clear voice in order to reinforce instructions. When appropriate, officers will allow time for the juvenile to comply with instructions.

iii. Officers shall not use threats and intimidation to gain compliance from juveniles.

iv. As with any encounter, officers are expected to continually assess the situation, employ de-escalation techniques, and seek peaceful resolutions during incidents involving juveniles.
v. Officers shall also account for any fear-based reactions juveniles may experience during an encounter which may manifest as aggression, defensiveness, defiance, or flight.

vi. Officer presence may be intimidating and threatening to juveniles, therefore, officers should approach calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, in order to diffuse tension and anxiety while maintaining safety.

b. Individualized factors for juveniles

In accordance with the section in the policy on objective reasonableness ([IV-A]):

i. If force is necessary, officers shall take into account individualized factors of the juvenile including:
   - Apparent age.
   - Body size.
   - Relative strength of the officer relative to the juvenile.
   - The juvenile’s known or perceived disabilities.
   - Risk posed by the juvenile.

ii. However, officers’ assessment of these factors shall not be impacted by the juvenile’s race or ethnicity, national origin, sex, gender, gender identity, religion, or the juvenile’s status with regard to public assistance.

iii. Officers shall consider whether a juvenile may be noncompliant due to a medical or behavioral health disability, behavioral health crisis, physical or hearing impairment, language barrier, or drug or alcohol use (P&P 7-809).

c. Juveniles injured by use of force

i. In case a juvenile is injured by an officer’s use of force, officers shall take immediate steps to provide medical attention ([IV-F] and P&P 7-350).

ii. Officers shall notify the minor’s parent, guardian, or other responsible adult of the injury as soon as feasible.

C. Duty to Intervene

1. Sworn employees have an obligation to protect the public and other employees.

2. Regardless of tenure or rank, any sworn employee who observes another employee using any force that they reasonably believe amounts to any prohibited force, or inappropriate or unreasonable force (including applying force when it is no longer required), must attempt to safely intervene by verbal and physical means, and if they do not do so may be
subject to discipline to the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.

D. De-escalation

1. When all of the reasonably known circumstances indicate it is safe and feasible to do so, officers shall:
   a. Attempt to slow down or stabilize the situation so that more time, options and resources may become available.
   b. Consider, based on the officer’s actual observations and in the totality of the circumstances, whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to, the subject’s emotions and behavior.

2. De-escalation tactics include, but are not limited to:
   - Requesting additional officers and other resources to the scene, which may make more force options available and may help minimize the overall force used.
   - Placing barriers between an uncooperative subject and an officer.
   - Attempting to isolate the subject and contain the scene.
   - Minimizing risk from a potential threat using distance, cover or concealment.
   - Creating space between the officer and the subject, affording the officer the opportunity to take time to reevaluate force options.
   - Disengagement from the interaction.

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.
E. Officers’ Actions Leading to Unnecessary Risk

1. Officers’ actions that unnecessarily place themselves, suspects, or the public at risk

   An officer’s conduct or actions may influence the amount of force used in each situation. A lack of reasonable or sound tactics can limit options available to officers, and unnecessarily place officers and the public at risk.

   a. Officers shall use reasonableness, sound tactics and available options during encounters to maximize the likelihood that they can safely control the situation.

   b. Officers shall not purposefully use words or actions that a reasonable officer would conclude are intended to incite or escalate reactive behavior. Prohibited conduct includes but is not limited to taunting individuals.

   c. In measuring whether the use of force was reasonable and the actions of the officer that led to the use of force were reasonable, the conduct of the officer 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.

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.

F. Medical Treatment and Use of Force

1. Any sworn MPD employee who uses force shall, as soon as reasonably practical, determine if anyone displays a visible injury or signs of medical distress, has lost consciousness, has complained of injury or medical distress, or has requested medical attention, and shall 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.

2. Medical aid rendered consistent with policy is not a reportable use of force.

G. No Retaliation, Punishment or Coercion

Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion, including but not limited to punishing or retaliating against a person for:

- Fleeing.
- Resisting arrest.
- Engaging in boisterous or insulting behavior.
• Assauling an officer.
• Engaging in a lawful protest or demonstration.
• Lawfully photographing or filming an officer (P&P 9-203).

H. No Retaliation Against Employees

In accordance with P&P 2-106, employees shall not retaliate against an employee for fulfilling their Duty to Report or Duty to Intervene.

I. Announce Arrests and Warn of Intent to Use Force

1. 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.

   a. When force may be used to make an arrest

   In accordance with MN Statute section 629.33, if an officer has informed a subject that the officer intends to arrest the subject, and if the subject then flees or forcibly resists arrest, the officer may use all necessary and lawful means to make the arrest but may not use deadly force unless authorized to do so under section 609.066. Such force shall be consistent with all sections in P&P 5-300.

   b. Minimum restraint allowed for arrest

   In accordance with MN Statute section 629.32, an officer making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention.

   c. Inform subject about warrant

   In accordance with MN Statute section 629.32, the officer shall inform the subject that the officer is acting under a warrant, and shall show the subject the warrant if requested to do so. An arrest by an officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. An officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

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

2. Warn of intent to use force

Prior to using force, officers shall provide oral warnings indicating that they intend to use force unless the individual submits to their authority, when it is safe and feasible to do so.
a. Officers shall allow a reasonable amount of time for an individual to comply with a warning, when feasible to do so.

b. The warning 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.

J. Report Required

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPD employees shall write a detailed, comprehensive report for each instance in which reportable force was used (in accordance with P&P 5-302). All uses of force shall be documented and investigated pursuant to MPD’s policies.

K. Training

1. All officers shall receive training, at least annually, on the MPD’s use of force policy and related legal updates (in accordance with P&P 2-500 and any policies related to specific tools or weapons).

2. In addition, training shall be provided on a regular and periodic basis and designed to:
   a. Provide techniques for the use of and reinforce the importance of de-escalation.
   b. Simulate actual shooting situations and conditions; and
   c. Enhance officers’ exercise of discretion and judgement in using other than deadly force in accordance with this policy.

3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the MPD’s policies and MN Statutes with regard to such force (in accordance with P&P 5-304, P&P 5-312, 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 5-304). 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.

L. Accountability

1. Employees will be held accountable for compliance with these policies and procedures.
2. Employees who use force that is not objectively reasonable may be subject to corrective action or discipline.

M. Transfer of Custody

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

- The type of force used,
- Any injuries or alleged injuries sustained,
- Any medical aid rendered, and
- Whether EMS was called and if so, whether EMS made contact with the patient, whether the patient refused or accepted EMS, and whether the patient was transported by EMS for further treatment.
5-302 Use of Force Reporting
(01/01/23) (03/30/23) (xx/xx/23)
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 are free from discrimination.

B. These reporting requirements are designed to provide MPD with necessary information to:
   - Determine the effectiveness of policy, training, tactics, and supervision,
   - To provide for community and officer safety, and
   - To hold officers and supervisors accountable.

II. Definitions

**Level 1 Reportable Use of Force:** A level 1 reportable use of force includes the use of force by an MPD officer that can reasonably be expected to cause pain or an injury, but does not result in injury or complaint of injury.

1. A level 1 reportable use of force also does not include the use of a less-lethal weapon and does not include force that rises to a level 2 or level 3 reportable use of force.

2. An escort, touch, or handcuffing of a person with no or minimal resistance is not a level 1 reportable use of force.

3. The following actions are level 1 uses of force, as long as they do not result in injury or complaint of injury:
   a. Displaying or pointing a firearm when engaged with a subject.
   b. Pointing a less-lethal weapon when engaged with a subject.
   c. Pressure point compliance techniques.
   d. Joint manipulation techniques.
   e. Wristlocks.
f. Armbars.

g. Leg sweeps.

h. Weaponless strikes other than strikes to the head or neck.

i. Weaponless defense techniques including:
   i. A push-away,
   ii. A hold, or
   iii. A slap.

j. Body weight to pin.

k. Takedowns.

l. Control pressure while handcuffing.

m. Approved tool or improvised tool to push a subject without striking.

n. Any other use of force by an MPD officer to overcome the active resistance of an individual that does not rise to a level 2 or level 3 reportable use of force.

**Level 2 Reportable Use of Force:** A level 2 reportable use of force includes the use of force by an MPD officer that includes use of a less-lethal weapon or that causes an injury or results in a complaint of an injury, but that does not rise to a level 3 reportable use of force.

1. The following actions are level 2 uses of force:
   a. Any use of force that would be a level 1 use of force but resulted in an injury or complaint of injury.
   b. An escort, touch, handcuff or other similar action that results in an injury or complaint of injury.
   c. Discharge of MPD authorized chemical irritant.
   d. Discharge of a conducted energy weapon (CEW) (including probes/darts and drive stun/touch).
   e. Weaponless strikes to the head or neck if the individual’s head is not near a hard surface.
   f. Impact weapon strikes (including improvised impact weapon strikes) to any part of the body other than the head or neck.
g. Use of impact munitions (40mm or handheld).

h. Any physical apprehension by a canine.

i. Any reportable use of force against a handcuffed individual.

j. Use of any other less-lethal weapon.

k. Any other use of force by an MPD officer that results in injury or complaint of an injury, except level 3 reportable uses of force.

**Level 3 Reportable Use of Force:**

1. A level 3 reportable use of force is when an MPD officer uses:

   a. Any force that constitutes deadly force, such as:

      i. Discharging a firearm:

         aa. “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” (P&P 5-301 and MN Statute section 609.066).

         ii. Using an impact weapon (including an improvised impact weapon) to strike a person’s head or neck.

         iii. Weaponless strikes to the head or neck if the individual’s head is near a hard surface.

         iv. Any 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.

   b. Any force that causes the death of any person.

   c. Any force that causes injury to any person resulting in admission to a hospital.

**III. Reporting Force**

**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.
- Completing the de-escalation template.
• 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 Police Report is required for an incident, the officer shall complete the de-escalation template and 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.
- Touch.
- 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.

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 display, firearm pointing and less-lethal weapon pointing

This section applies to:

- Unholstering or displaying a firearm when engaged with a subject or subjects.
- 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. Reported as a level 1 use of force

Firearm display and firearm pointing are considered a level 1 use of force. Less-lethal weapon pointing is considered a level 1 use of force.
b. Reporting for specific tactical operations

i. An officer engaged in the execution of a building search warrant or engaged in an Operation 100 shall be required to report the display or pointing of a firearm only when it involves a sustained active engagement with a person to gain that person’s compliance.

ii. An officer who quickly “sweeps” a room during a building search warrant or Operation 100 is not required to report each person at whom a firearm was momentarily pointed during the sweep.

4. Level 1 reportable use of force

a. Use of Force details page and Narrative Text required

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:

- Displaying or pointing a firearm when engaged with a subject.
- Pointing a less-lethal weapon when engaged with a subject.
- Pressure point compliance techniques.
- Joint manipulation techniques.
- Wristlocks.
- Armbars.
- Leg sweeps.
- Weaponless strikes other than strikes to the head or neck.
- Weaponless defense techniques including push-aways, holds or slaps.
- Body weight to pin.
- Takedowns.
- Control pressure while handcuffing.
- Authorized or improvised tool to push a subject without striking.
- Any other use of force by an MPD officer to overcome the active resistance of an individual that does not rise to a level 2 or level 3 reportable use of force.

b. Injuries

The listed force options do not require Supervisor notification unless:

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

ii. The incident aggravated a preexisting injury.
5. Level 2 reportable use of force
   a. Supervisor notification required

   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:

   - Any use of force that would be a level 1 use of force but resulted in an injury or complaint of injury.
   - An escort, touch, handcuff or other similar action that results in an injury or complaint of injury.
   - Discharge of MPD authorized chemical irritant.
   - Discharge of a conducted 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.
   - Impact weapon strikes (including improvised impact weapon strikes) to any part of the body other than the head or neck.
   - Use of impact munitions (40mm or handheld).
   - Any physical apprehension by a canine.
   - Any reportable use of force against a handcuffed individual (see section [D] for additional requirements).
   - Maximal restraint device.
   - Use of any other less-lethal weapon.
   - An escort, touch, handcuff or other action that results in an injury or complaint of injury.
   - Any other use of force by an MPD officer that results in injury or complaint of an injury, except level 3 reportable uses of force.

6. Level 3 reportable use of force
   a. Supervisor notification required

   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:

   - Discharging a firearm.
   - Using an impact weapon (including an improvised impact weapon) to strike a person’s head or neck.
   - Weaponless strikes to the head or neck if the individual’s head is near a hard surface.
   - Any other 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).
• Any force that causes the death of any person.
• Any force that causes injury to any person resulting in admission to a hospital.

b. Hospital admission

Admission to the hospital does not include treatment and release in the emergency department, no matter how long the stay.

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.
5-303 Use of Force Review

I. Purpose

A. Supervisors play a critical role in the success of MPD by shaping, demonstrating, and reinforcing the organizational culture. Supervisors also play a critical role in promoting the humanity, dignity, and civil rights of individuals, ensuring that discriminatory policing is not tolerated, and that force is used legally, consistent with MPD policy, and in a manner that will promote community trust in MPD.

B. Supervisor reviews of uses of force are essential to identify necessary individual and departmental corrective action.

II. Definitions

Responding Supervisor: The supervisor who is required to respond to the scene after being notified of reportable force, to conduct the Supervisor Force Review.

Secondary Reviewer: The supervisor who conducts a Secondary Force Review, which includes a review of Supervisor Force Review and the reportable use of force incident.

Supervisor Force Review: Supervisor Force Reviews (SFRs) are when the supervisor who was notified of a level 2 or level 3 use of force by an employee responds to the scene, investigates the force incident, and documents their findings.

Secondary Force Review: Secondary Force Reviews are when the initial Supervisor Force Review (SFR) and reportable use of force incident undergo 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.

III. Policy

A. All level 2 and level 3 reportable uses of force must be reviewed by a responding supervisor through a Supervisor Force Review, and by a secondary reviewer through a Secondary Force Review.
B. In the circumstances in which multiple officers report on a use of force, the review process recognizes that different officers may have varying information and recollections. Differences in reporting do not necessarily indicate a lack of truthfulness.

IV. Procedures

A. Supervisor Force Review

1. Supervisor Force Review purpose

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 responding 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 or witnessed use of force

Supervisors shall not conduct a Supervisor Force Review on their own use of force, or for any use of force they participated in or observed, subject to the narrow exception below.

a. 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.

b. Any other supervisor of any rank who did not use or witness such force or have custody shall conduct the Supervisor Force Reviews.

c. If another supervisor is unavailable within a reasonable period of time, a supervisor who observed the reportable use of force (but did not participate) may serve as the responding supervisor after documenting the efforts made to request another supervisor at the scene.

3. Responding supervisor responsibilities

The on-duty supervisor (responding supervisor) who is notified of a level 2 or level 3 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 request 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. Immediately respond to the incident scene and conduct a preliminary investigation of the use of force or In-Custody Injury or Illness incident.

i. Identify the MPD employees on scene during the incident. This includes identifying which employees involved in the use of force, which employees were witnesses to the use of force, and which employees were otherwise on scene.

ii. Debrief the employee(s) who engaged in the use of force.

iii. Note any reported injury or alleged injury to any individual involved.

iv. Note any medical aid/EMS rendered to any individual involved, and take reasonable steps to offer MPD employees and community members appropriate medical care.

v. Coordinate with any independent police conduct review entity, as appropriate.

vi. Locate and review any evidence related to the force or injury incident (e.g. BWC, MVR, security video, private cameras, etc.).

vii. Ensure any on-scene evidence is preserved and collected.

viii. Interview the force subject, if they consent.

ix. After advising the force subject that they are being interviewed because of the use of force and only if the person voluntarily consents to an interview, the responding supervisor shall document the consent and interview the individual solely about the reportable use of force.

x. Inspect and photograph the force subject, if they consent.

xi. If the person consents, the responding supervisor shall visually inspect the force subject and document and photograph any injuries observed.

xii. Photograph the immediate area of the force event, and damage to equipment or uniforms caused by the force event.

xiii. Photograph any other individual involved in the force event, if they consent, including any injuries sustained.

xiv. Locate and identify witnesses to the use of force or injury incident to the extent reasonably possible, including known witnesses and witnesses who consent to be identified, and documenting their identities in the report.
xv. Obtain statements from witnesses who consent to an interview, and include the statements in the report.

xvi. Obtain statements from employees who witnessed the use of force, and include the statements in the report.

xvii. Review all sworn employees’ reports and supplements related to the use of force or injury incident for completeness and accuracy.

xviii. 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.

xix. Determine the level of the reportable force, independent of how the force was reported to the supervisor.

4. Non-discriminatory and impartial policing

a. When reviewing the incident, the supervisor shall also identify whether employees violated the non-discriminatory and impartial policing provisions in MPD policy (P&P 5-104).

b. If a supervisor identifies a potential violation the supervisor shall, as appropriate, provide any feedback for growth and improvement for the employee, refer the employee for training, and refer the incident for investigation by Internal Affairs, within 72 hours of the supervisor’s review of the incident, absent exceptional circumstances. Any exceptional circumstances shall be documented.

5. Documentation

a. All responding supervisors’ documentation and forms regarding a reportable use of force incident shall be completed as soon as practical, but prior to the end of the shift, unless an extension is approved by the responding supervisor’s Inspector or Commander.

b. The responding supervisor shall complete and submit the “Responding Supervisor Force Review” form.

i. It is the responding 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 responding 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.

6. Supervisor Force Reviews in civil disturbances and assemblies

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

B. Secondary Force Review

1. Secondary Force Review purpose

The purposes of a Secondary Force Review are to:

a. Confirm that the SFR included all required collection and documentation of evidence; and

b. Review all available evidence, and perform an additional, separate review of whether the use of force appears to have been consistent with MPD policy.

2. Secondary Force Review required

Secondary Force Reviews shall be completed for all SFRs.

3. Reviewer requirements

Secondary Force Reviews shall be completed by a supervisor at least one rank above that of the highest-ranking employee who engaged in the reportable use of force, as designated by the Inspector or Commander in the chain of command for the initial SFR supervisor.

a. The secondary reviewer shall be at the rank of Lieutenant or higher.

b. In some instances, the secondary reviewer may be an appointed rank, when designated.
Use of Force

4. Thorough review
   a. The secondary reviewer shall review all of the information reasonably available regarding the use of force review, including BWC recordings made during the on-scene Supervisor Force Review, written reports, video, audio recordings, witness statements, photographs, and other evidence or information collected by the responding supervisor.

   b. The secondary reviewer 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.

   c. The secondary reviewer is independently responsible for determining the level of the reportable use of force.

   d. The secondary reviewer shall review the documentation and data entered by the employee who used the force to ensure that the documentation and data is sufficient and complete.

5. Determine if notifications are required
   The secondary reviewer shall determine, based on the information reviewed, if the use of force requires a notification to Internal Affairs and any other independent police conduct review entity, and shall take appropriate action, including any required referrals.

6. Provide timely feedback
   The secondary reviewer shall provide timely feedback for growth and improvement, where appropriate, to the employee who engaged in the reportable use of force, the employee’s supervisor, and the responding supervisor, and shall refer them to the MPD Training Division for additional training or support as necessary based on the incident.

7. Timeliness of Secondary Force Review
   Secondary Force Reviews and the associated documentation shall be completed as soon as practical, but no later than within 5 calendar days of the completion of the initial SFR, unless an extension is approved by the secondary reviewer’s Inspector or Commander.

8. Documenting the Secondary Force Review
   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. This includes the secondary reviewer’s detailed assessment of
compliance with MPD policy, any feedback for growth and improvement, and any required or recommended action.

9. **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.

**C. Deputy Chief Review**

Following secondary review, the MPD Deputy Chief of Professional Standards, or a sworn command staff member at the level of Deputy Chief or above or Chief of Staff, shall review all level 3 reportable uses of force and level 2 reportable uses of force that involve a strike to the head or neck, for compliance with policy and law, the use of tactics, and for any need to change policy or training.
I. Purpose

A. The MPD recognizes that combative, non-compliant, armed or otherwise violent subjects cause handling and control problems that require special training and equipment.

B. The MPD has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

C. The purpose of this policy is to cover definitions, authorizations, restrictions and prohibitions that apply to all force options.

II. Definitions

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

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

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

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

Engaged with a Subject: This means treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident, while using some level of reportable force (such as display or pointing). An example of a person who is the focus of law enforcement attention is 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 arcing or red-dotting a CEW, pointing impact weapons and aiming firearms.

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

### III. Policy

#### A. Authorized Control Options and Use of Unauthorized Control Options

1. Sworn MPD employees shall only carry and use MPD approved weapons for which they are currently trained and authorized to use through the MPD Training Division, except in exigent circumstances. An authorized device is a device an officer has received permission from the MPD to carry and use in the discharge of that officer’s duties, and for which the officer has:

   a. Obtained training in the technical, mechanical and physical aspects of the device.

   and

   b. Developed a knowledge and understanding of the MPD policy, law, rules and regulations regarding the use of such a device.

2. All use of force control options and weapons shall be in accordance with the standards and requirements in P&P 5-301.

   a. Force control options shall only be used in a manner that would be found objectively reasonable (in accordance with P&P 5-301).

   b. If lower levels of force are ineffective, higher levels of force may be used for control and safety, subject to any additional restrictions on specific options or limitations in P&P 5-300.

3. If an exigent circumstance exists that poses an imminent threat to the safety of the employee or the public requiring the immediate use of an improvised weapon of opportunity, the employee may use the weapon in accordance with the standards in P&P 5-301 (including, but not limited to, the section on Objectively Reasonable Force Consistent with Policy, Law and Training).

4. The use of a vehicle, less-lethal or non-lethal weapon, or other improvised weapon by an officer may constitute the use of deadly force.
5. While employees must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by MPD policy (such as P&P 5-301 policies regarding specific control options).

**B. Limitations on the Use of Certain Restraints**

1. Statutory prohibition

In accordance with MN Statute section 609.06, the following restraints shall not be used unless MN Statute section 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm:

a. Securing a person in any way that results in transporting the person face down in a vehicle.

b. Less-lethal measures must be considered by the officer prior to applying these measures.

2. Prohibition on neck restraints and choke holds

Neck Restraints and choke holds are prohibited, in accordance with the section in this policy (P&P 5-302) covering neck restraints and choke holds.

3. Prone positioning

a. People in MPD custody shall not be placed in the facedown prone position or any other position that causes a breathing restriction, other than briefly when necessary to secure the person or to prevent the person from causing harm to themselves or others.

b. If a person is in a position that causes a breathing restriction, for the purpose of securing the person or preventing the person from causing harm to self or others, the person shall be placed in a sitting position, or laying on their side, in a recovery position, as soon as safely possible for all parties. These positions allow the person to breathe freely, reducing the possibility of bodily harm or death from any part of the body respiratory system being restricted or manipulated.

**C. Prohibited Control Options**

1. Maximal Restraint Technique (MRT)

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

- The Maximal Restraint Technique (MRT) is a technique used to secure a subject’s feet to their waist, through the Hobble Restraint Device or other related devices.
2. Hogtie

Hogtying a subject is prohibited.

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

3. Neck Restraints and Choke Holds

Neck Restraints and choke holds are prohibited. Instructors are prohibited from teaching the use of neck restraints or choke holds.

- MN Statute section 609.06 Subd. 3 (b) defines a choke hold “as a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person’s neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.”
5-305  Control Option- Handcuffing

(\text{xx/xx}/23)

Revisions to prior policies: (09/08/20) (12/22/20)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to handcuffing.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

Officers shall only use handcuffs in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).
C. Authorized use

1. Arrests
   a. To minimize the risk of injury to officers and others during arrest situations, officers shall handcuff all people arrested as soon as possible (in accordance with P&P 9-100).
   b. Handcuffs are authorized when transporting in-custody subjects (in accordance with P&P 9-100).

2. Investigative detentions (“Terry Stops”)
   a. Handcuff use during investigative detentions is authorized when one or more of the following factors are present:
      i. Articulable facts that the subject is physically uncooperative.
      ii. Articulable facts that a subject’s actions at the scene may present physical danger to themselves or others if not restrained.
      iii. Reasonable possibility of flight based on the circumstances.
      iv. Information that the subject is currently armed.
      v. The stop closely follows a violent crime and the subject matches specific parts of a description.
      vi. The number of subjects involved in the stop causes an articulable safety concern.
      vii. Articulable facts that a crime of violence is about to occur.
   b. Care and discretion should be used with people at extremes of age in handcuffing such people during an investigative detention.
   c. The authority to handcuff during investigatory stops continues for only as long as the circumstances above exist.

3. Suicidal people
   Handcuffs are authorized when engaging a person who is reasonably believed to be suicidal.

4. Search warrant service
   a. Handcuffs are authorized when executing a search warrant at a private residence as is reasonably necessary to execute the warrant in safety.
b. Handcuffs are authorized when executing a search warrant at a commercial business open to the public if it reasonably appears that handcuffing is necessary to protect an officer or others from physical harm. Circumstances that justify initial handcuffing may change and eliminate continued justification.

5. Detoxification subjects

Handcuffs are authorized when transporting detoxification subjects.

D. Unauthorized use

1. If medical circumstances make it unreasonable to handcuff an arrestee, officers shall refrain from handcuffing.

2. When responding to a scene where a subject has already been placed in handcuffs prior to arrival, officers shall not place MPD handcuffs on the subject until they have reasonable suspicion or probable cause based on their independent investigation or findings.

E. Checking handcuffs

1. Officers shall check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.

2. When a handcuffed subject first complains that handcuffs are too tight or are hurting the subject, the officer having custody of the handcuffed subject shall, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. If they are too tight (per training), they shall be loosened and relocked.
5-306 Control Option- Bodily Force

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to bodily force.

II. Definitions

Bodily Force: Bodily force (also known as empty hand tactics) includes but is not limited to:

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

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

Escort holds: Temporary holding of the hand, wrist, arm or shoulder to physically control or direct a subject.

Joint locks: Manipulating a subject’s joint until it reaches its maximal degree of motion and hyperextension- wrist lock, shoulder lock, elbow lock, etc.

Joint manipulations: Physically contorting a subject’s joint to control or limit movement.

Nerve pressure points: Touch pressure that is delivered to gain compliance and may result in brief temporary pain.

Takedown techniques or tackles: Using physical force to direct a person to the ground.

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

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

Pushes: Using physical force to press forward in an effort to effect movement.

Strikes: Punches, kicks, knees, slaps.
Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

Officers shall only use bodily force in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

C. Strikes

1. Strikes may only be delivered:
   a. When such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

   or

   b. To subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

2. Strikes shall not be delivered to people who are Compliant or are Passively Resisting as defined by policy.

D. Treatment and Medical Aid

In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when officers deliver strikes, or if bodily force causes a subject’s head to strike an object or surface, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the medical condition until they are released to medical or other law enforcement personnel.
I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to less-lethal 40mm launchers and impact projectiles.

II. Definitions

40mm round: The 40mm less-lethal round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject.

Terms defined in P&P 5-301:

- Substantial bodily harm

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.
B. **40mm Launchers and Impact Projectiles as Less-Lethal Force**

The discharge of the 40mm less-lethal round is generally considered a less-lethal form of force when delivered to areas of the subject’s body that are considered unlikely to cause death or serious physical injury, but can be lethal in certain circumstances.

C. **Department-Issued 40mm Launchers and Impact Projectiles**

1. MPD officers are only authorized to carry 40mm launchers that are issued by the department. Personally owned 40mm launchers, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.

2. Officers shall only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.

3. The MPD Range shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. The MPD Range shall replace any rounds discharged or damaged as needed.

D. **Consistent With Policy and Training**

1. Officers shall only use less-lethal 40mm launchers and impact projectiles in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300) including when used for crowd dispersal or protection.

2. Only officers trained in the use of the 40mm launcher and 40mm less-lethal round are authorized to carry and use them.

E. **Civil Disturbances and Assemblies**

All carrying and use of 40mm launchers for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.

F. **Conditions for Use**

1. Imminent substantial harm

   Officers shall only use 40mm launchers or impact projectiles on a subject when:

   a. There is probable cause for an arrest or reasonable suspicion for detention.

   and

   b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent **substantial** bodily harm.
2. Target areas
   
   a. The primary target areas for the 40mm less-lethal round should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the ribcage area to the waist, and the larger muscle areas of the shoulder areas.
   
   b. Officers shall be aware that the delivery of the 40mm impact projectiles to certain parts of the human body can cause grievous injury that can lead to a permanent physical or mental incapacity or possible death.
   
   c. Officers shall not intentionally discharge less-lethal impact munitions at a person’s head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.

3. Consider risks
   
   Prior to using the 40mm launcher or impact projectiles, officers need to consider any risks to the public or themselves.

4. Consider other means
   
   Before discharging the 40mm less-lethal round, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public, in accordance with knowledge and training in use of force and MPD policies governing the use of deadly and non-deadly force.

5. Firearm backup in deadly force situations
   
   The 40mm launcher with the 40mm less-lethal round should not be used in deadly force situations without firearm backup.

G. Warnings and Announcements
   
   It is important that whenever possible, all officers involved and possible responding officers know that a 40mm less-lethal projectile is being discharged so they do not mistake the sight and noise from the 40mm projectile discharge as a live ammunition discharge.

   1. Officers shall announce over the radio that a 40mm launcher will be discharged, when time and tactics permit.

   2. When appropriate given the situation, officers discharging a 40mm less-lethal projectile should yell "Code Orange!" prior to and during the discharge.

   Note: 40mm launchers have an orange barrel indicating they are the less-lethal platform.
H. Requesting a 40mm Operator

If a supervisor or responding officers believe that there is a call or incident that may require the use of less-lethal capability, they may request via radio or other means that an on-duty MPD-trained operator with a 40mm launcher respond to the scene.

I. Carrying and Storage

1. 40mm launchers shall be assigned to each precinct, City Hall and specialty units as needed.

2. Each 40mm launcher shall be kept in its own case and in a secured gun locker.

3. Only commanders or their designee and MPD-trained operators will have keys to the 40mm armory lockers.

4. MPD-trained operators shall have the 40mm launchers available during their assigned shift, when possible.

J. Maintenance of 40mm launchers

Only MPD certified Range personnel shall perform maintenance and repairs to the 40mm launcher.

K. Treatment and Medical Aid

1. Medical assistance shall be rendered as necessary in accordance with P&P 5-301 and the Emergency Medical Response policy (P&P 7-350).

2. If possible, photographs should be taken of any injuries to the subject.

L. Documentation

Officers who discharge a 40mm less-lethal round shall report the force in accordance with P&P 5-302.

M. Notifications and Supervision

1. Officers who discharge a less-lethal round shall immediately notify dispatch, who will notify a supervisor.

2. A supervisor shall respond to the scene any time a 40mm less-lethal round is discharged. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-303.

3. Supervisors shall ensure that all spent 40mm less-lethal rounds are collected and property inventoried if possible.
5-308 Control Option- Chemical Aerosols

Revisions to prior policies: (10/16/02) (08/17/07) (10/01/10) (09/04/12) (06/10/13) (06/16/20) (08/21/20) (09/08/20) (12/22/20) (04/04/21) (01/01/23)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to chemical aerosols.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Chemical Aerosols as Less-Lethal Force

Chemical aerosols are a form of less-lethal force which can pose a high risk to some people.

C. Department-Issued Chemical Aerosols

MPD officers are only authorized to carry chemical aerosols that are issued by the department. Personally owned chemical aerosols, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.
D. Consistent with Policy and Training

Officers shall only use chemical aerosols in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300) including when used for crowd dispersal or protection.

E. Civil Disturbances and Assemblies

Chemical aerosols, regardless of canister size, shall only be discharged during civil disturbances and assemblies when authorized in accordance with P&P 7-805.

F. Conditions for Use

1. Un-restrained people

   In situations not involving civil disturbances or assemblies, chemical aerosols shall only be discharged at:

   a. When such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

   or

   b. Subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

2. People in restraints

   a. Officers shall not use chemical aerosols on any person who is handcuffed or otherwise restrained, unless the person presents an imminent physical threat to the safety of the officer, the person themself, or others.

   b. Prior to using chemical aerosols on the person, officers must first attempt to exercise additional control over the person using soft empty hand control measures or arrest control techniques when feasible.

   c. Officers shall only use chemical aerosols against the person once all feasible soft empty hand control measures or arrest control techniques have been used by the officer, and if the imminent physical threat persists.

3. Passive resistance

   Chemical aerosols shall not be discharged at people who are Compliant or are Passively Resisting as defined by policy.
4. Swallowing narcotics

Discharging chemical aerosols to prevent the swallowing of narcotics is prohibited.

G. Using Chemical Aerosols

1. Warning required

Officers shall only use chemical aerosols after adequate warning, when feasible.

2. Re-assess after contact is made

Officers shall stop the use of the spray once intended contact with the chemical aerosol is made with the person or people, to re-assess the situation and threat level and determine whether and if any subsequent uses of the spray are appropriate.

3. Only expose intended people

Sworn MPD employees shall exercise due care to ensure that only intended people are exposed to the chemical aerosols.

H. Treatment and Aid for Chemical Aerosol Exposure

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

- Removing the affected person from the area of exposure.
- Exposing the affected person to fresh air.
- Rinsing the eyes and skin of the affected person with cool water (if available).

2. Sworn employees shall keep a person exposed to the chemical aerosol under close observation until they are released to medical or other law enforcement personnel.

3. An officer who has discharged a chemical aerosol at a person shall inform the entity accepting custody that it was discharged at the person.
5-309 Control Option- Conducted Energy Weapons (CEWs)

(xx/xx/23)

Revisions to prior policies: (08/17/07) (10/01/10) (07/16/12) (10/07/13) (09/08/20) (12/22/20) (04/04/21) (01/01/23)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to CEWs.

II. Definitions

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

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

Drive-Stun: When the CEW is pushed firmly against the body of the subject and the arc switch is activated or the trigger is pulled without deploying a cartridge.

Probe Mode: When a CEW is used to discharge probes (also called darts) at a person for the purpose of incapacitation.

Laser Painting: Un-holstering and pointing a CEW at a person and activating the laser aiming device. In some cases, this may be effective at gaining compliance without having to actually discharge a CEW. Also known as “red dotting”.

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

Warning Arc: Un-holstering the CEW and activating the arc for purposes of threatening its use prior to actual discharge or drive-stun or touch/contact stun application. The warning arc is intended to be used as a de-escalation tactic in an effort to gain compliance without discharging the device on a subject.
Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. CEW as a Less-Lethal Force

The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is a less-lethal form of force but can be lethal in certain circumstances.

C. Department-Issued CEWs

MPD officers are only authorized to carry CEWs that are issued by the department. Personally owned CEWs, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.

D. Training and Certification Required

MPD officers may only be issued, carry and use CEWs if they have successfully completed approved annual training on CEWs, including a testing component, and are currently certified.

E. Consistent With Policy and Training

Officers shall only use CEWs in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

F. Conditions for Use

1. Subject not fleeing

   Officers shall only use CEWs on subjects who are not fleeing when:
a. There is probable cause for an arrest or reasonable suspicion for detention.

and

b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

2. Subject is fleeing

a. Officers shall only use CEWs on subjects who are fleeing when:

i. The officer has probable cause to believe the subject has committed one of the following offenses:
   • Sexual assault involving the use or threatened use of a dangerous weapon.
   • Homicide.
   • 1st and 2nd degree assault.
   • Aggravated robbery.
   • Kidnapping.
   • Firearms- felony firearm discharges, firearm pointing in violation of MN Statute section 609.66 Dangerous Weapons.

or

ii. Such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

b. Flight shall never be the sole reason for using a CEW on a person.

3. Subject factors

Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain people.

a. Officers shall not use a CEW unless deadly force is the only other option when a reasonable officer would know that the person is:

   • A person with heart conditions, including a person with a pacemaker or a person in a medical crisis.
   • Pregnant.
   • Elderly.
   • A juvenile under the age of 12.
   • A visibly frail person, or person with a very thin stature or low body mass (i.e., may have thin chest walls).

b. Officers must be able to articulate a correspondingly heightened justification when activating a CEW on:
• A juvenile 12 years of age or older.
• A person in crisis (P&P 7-809).

4. Situational factors

Officers shall not activate CEWS in situations when it is reasonably evident that activation may cause serious physical injury unless the use of deadly force would otherwise be permitted. Such situations include, but are not limited to:

• On a person in an elevated position, who might be at a risk of a dangerous fall.
• On a person operating vehicles or machinery.
• On a person who is already restrained in handcuffs unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective.
• On a person who might be in danger of drowning.
• In environments in which combustible vapors and liquids or other flammable substances are present.
• On a person who has been exposed to the MK-9 Pepper Fogger or other similar chemical irritants or flammable material, such as gasoline or an alcohol-based pepper spray.
• In similar situations involving heightened risk of serious injury or death to the subject.

G. Using a CEW

1. Warnings

Officers shall, unless it is not feasible to do so, give verbal warnings or announce their intention to discharge a CEW prior to actual discharge. Use of the CEWs’ laser pointer (red dotting) or arcing of the CEW may be effective at diffusing a situation prior to actual discharge of the CEW.

2. Cycles

When activating a CEW on a subject, personnel should activate it for one standard cycle (a standard cycle is five seconds) and shall then pause to evaluate the situation to determine if subsequent cycles are necessary.

a. In determining whether any additional application is objectively reasonable, officers shall consider whether the person has the ability to comply and has been given a reasonable opportunity to comply prior to applying another cycle.

b. If subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control or place the subject in custody under the existing circumstances.
c. Officers shall constantly reassess the need for further activations after each CEW cycle and should consider that exposure to multiple applications of the CEW for longer than 15 seconds may increase the risk of serious injury or death.

d. Officers shall not deliver more than three cycles or 15 total seconds of a CEW against a person during a single incident unless: deadly force is authorized, and no other non-deadly force option is feasible.

e. Officers should be aware that a lack of change in a subject’s behavior often indicates that the electrical circuit has not been completed or is intermittent. If there is a need for another cycle based on the standards above, officers should immediately discharge another cartridge or transition to other control options rather than activating continued ineffective cycles.

3. One officer at a time

Only one officer shall intentionally activate a CEW against a subject at one time.

4. Drive stun mode

a. CEWs should generally be used in the probe mode. Officers shall only use the CEW in drive stun mode in defensive applications, such as a countermeasure to gain separation between officers and the subject so that officers can consider other force options.

b. Officers shall not use the CEW in drive stun mode as a pain compliance technique.

c. CEWs shall not be intentionally applied in drive stun mode to the subject's head, neck, chest or groin, unless the use of deadly force is justified.

d. When using the CEW in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.

5. Probe mode

a. Officers shall target the CEW in probe mode at the lower center mass.

b. CEWs in probe mode shall not be intentionally targeted at the subject's head, neck, chest or groin, unless the use of deadly force is justified.

6. Holstering

The CEW shall be holstered on the sworn MPD employee’s weak (support) side to avoid the accidental drawing or firing of their firearm.
7. Separate uses of force

Each application (in probe or drive stun mode) or standard cycle (five seconds) of a CEW is a separate use of force that officers must separately justify as objectively reasonable.

H. Use During Off-Duty Employment

1. Officers who use their MPD issued CEW during the scope of off-duty employment within the City shall follow MPD policy and procedure for reporting the use of force and downloading their device.

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

I. Loss or Damage

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

J. Downloading and Reporting

1. CEW downloading guidelines
   a. The CEW shall be downloaded, when used in probe mode, touch/contact stun mode or drive-stun mode, prior to the end of the officer’s shift.
   b. The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.
   c. If a CEW was used during a critical incident, the CEW will be inventoried by the investigating agency for processing video and firing data evidence.

2. CEW reporting guidelines:
   a. When a CEW is discharged at or applied in touch/contact stun or drive-stun mode on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P 5-302. Officers shall document de-escalation attempts in their Narrative Text.
   b. When a CEW is threatened by means of displaying, red dotting or arcing, the threatened use shall be reported in accordance with P&P 5-302.
   c. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer’s
incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.

K. Treatment and Medical Aid

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

1. Probe removal
   a. CEW probes shall only be removed by appropriate medical personnel if they are embedded in a sensitive area (face, neck, groin or breast areas).
   b. Officers may remove CEW probes only if all the following conditions are met, otherwise the probes shall be removed by appropriate medical personnel:
      • The officer has assessed the person and determined that there are no indications of lasting effects of having been tased.
      • The officer is wearing protective gloves and has adequate medical equipment including bandages and alcohol wipes.
      • The probes are removed in the presence of a second officer.
      • The officer has received training on at least an annual basis on the medical implications of taser use, mechanisms to remove probes with limited pain, and infection control.
   c. If removing probes, officers shall secure the probes (biohazard “sharps”) point down into the expended cartridge and seal with a safety cover.

2. Inspect application sites
   a. When appropriate, visually inspect probe entry sites or drive stun locations for signs of injury.
   b. When appropriate, photograph probe entry sites or drive stun locations.

3. Continue monitoring

Sworn employees shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.
5-310 Control Option- Impact Weapons  
(\text{xx/xx/23})
Revisions to prior policies: (08/17/07) (10/01/10) (09/08/20) (12/22/20) (04/04/21)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to authorized impact weapons and improvised impact weapons.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Impact Weapons as Less-Lethal Force

MPD approved impact weapons (P&P 3-200) are generally considered less-lethal forms of force, but can be lethal in certain circumstances.

C. Consistent With Policy and Training

Officers shall only use impact weapons in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300) including when used for crowd dispersal or protection.
D. Civil Disturbances and Assemblies

Impact weapons shall only be used during civil disturbances and assemblies when authorized in accordance with P&P 7-805.

E. Conditions for Use

1. Impact weapon strikes
   a. Imminent substantial harm
      Impact weapon strikes shall only be delivered when such force is necessary to protect the officer, the subject, or another party from objectively imminent substantial bodily harm.
   b. Target areas
      Officers shall not intentionally use an impact weapon to strike a person’s head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.

2. Impact weapon use (other than strikes)
   This section applies to push aways and other similar uses of impact weapons that are not strikes.
   a. When such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.
   or
   b. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

F. Treatment and Medical Aid

1. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), treatment for a person that has been struck with an impact weapon shall include visually inspecting the areas struck for signs of injury, when appropriate.

2. Sworn employees shall routinely monitor the medical condition of a person that has been struck with an impact weapon until they are released to medical or other law enforcement personnel.
Use of Force

5-311 Control Option- Canines

(\text{xx/xx}/23)

Revisions to prior policies: (09/08/20) (01/01/23)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to canines.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

1. Officers shall only use canines in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

2. Canines shall only be deployed in accordance with P&P 7-807 Authorized Use of Canines.
C. Disengage

When canines are used for apprehensions, handlers shall disengage their canines as soon as reasonably possible after the subject is able to be controlled or secured.

D. Treatment and Medical Aid

1. Officers are responsible for ensuring any person injured by an MPD canine receives medical treatment as soon as reasonably possible.

2. Officers shall request an ambulance to the scene whenever a person is apprehended by a canine.

E. Notifications

1. The canine handler shall notify the Canine Sergeants immediately after any canine apprehension or accidental bite.

2. Officers will be debriefed by Canine unit supervisors and trainers as soon as possible following notification.

3. If a Canine Sergeant is not available, another MPD sergeant may be asked to do the force review (in accordance with P&P 5-303).

F. Documentation

The following steps are in addition to the documentation requirements in P&P 5-302 and P&P 5-303:

1. Canine handlers shall photograph all injuries and ensure the images are uploaded in accordance with P&P 10-400.

2. Upon notification of a bite or apprehension, a Canine Sergeant shall complete the K-9 Unit Apprehension Review form (MP-9090) and will send it electronically to the members of the review panel.
5-312 Control Option- Firearms

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to firearms.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

Officers shall only use firearms in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).
C. Conditions for Use

1. Firearm discharges - when authorized

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

a. In deadly force situations, in strict compliance with the Use of Force policy (P&P 5-301), and with a high degree of restraint. Firearm use shall never be considered routine and is permissible only when alternative means do not work, would not work or are too unsafe to try (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

b. To dispatch an animal that is dangerous, or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.

c. To participate in authorized training.

d. To participate in any authorized competition or legitimate sporting activity.

2. Firearm discharges - when prohibited

Officers shall not discharge firearms under the following conditions:

a. As a warning or to command attention.

b. Against people who present a danger only to themselves.

c. Solely to protect property.

3. Shooting at or from motor vehicles

a. At moving vehicles

Firearms shall not be discharged at a moving or fleeing vehicle, unless one of the following narrow exceptions apply:

i. Imminent threat of deadly force other than the vehicle

- The officer or another person is currently being threatened with deadly force by an occupant of the moving vehicle, and
- The threat is by means other than the moving vehicle, and
- The officer reasonably believes there are no other reasonable means available to avert the imminent threat.
ii. Ramming attack

In the extreme case of a ‘vehicle ramming attack’ where a vehicle is being used as a weapon to target people to cause great bodily harm or death.

iii. Officer stuck in path of vehicle

aa. In the extreme case when an officer is stuck in the path of a vehicle, this exception may apply if the following conditions apply:

- The officer has no means of escape, and
- The officer reasonably believes there are no other reasonable means available to avert the threat, and
- The officer is unable to issue commands or the driver is disregarding commands to stop.

ab. Officers shall consider their positioning and avoid placing themselves in the path of a vehicle whenever possible. If officers find themselves positioned in the path of a vehicle, they shall attempt to move safely out of the path of the vehicle instead of discharging a firearm at it or any of its occupants.

ac. The moving vehicle itself does not presumptively constitute a threat that justifies an officer’s use of deadly force.

b. From a moving vehicle

Firearms shall not be discharged from a moving vehicle unless:

- The officer or another person is currently being threatened with deadly force by another person, and
- The threat is by means other than a moving vehicle, and
- The officer reasonably believes there are no other reasonable means available to avert the threat.

b. Attempts to disable the vehicle

These prohibitions include attempting to disable the vehicle by discharging a firearm at the vehicle.

d. Considerations in these prohibitions:

i. A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.

ii. Bullets discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
iii. Bullets discharged at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent people, including passengers in the vehicle.

iv. Bullets discharged at moving motor vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring officers or other innocent people, including passengers in the vehicle.

v. Such risks, in most cases, weigh against discharging a firearm at or from a moving vehicle.

4. Shooting at a fleeing person

Officers shall not discharge a firearm at a person who is running away from an officer except to counter an imminent threat of death or great bodily harm to the officer or another person.

5. Displaying or pointing a firearm

a. Because firearms are a type of lethal or deadly force, officers shall only display or point a firearm if they reasonably believe that the situation may escalate to create an imminent threat of death or great bodily harm to the officer or another person.

b. Unnecessarily or prematurely drawing or displaying a firearm may limit an officer’s alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.

D. Carry a Less-Lethal Weapon

While on-duty or while engaged in off-duty work, uniformed officers required to carry a firearm shall carry on their person at least one less-lethal weapon (P&P 5-301 and P&P 5-301).

E. Treatment and Medical Aid

Officers shall provide medical treatment to any person who is shot, in accordance with P&P 5-301 and P&P 7-350.

F. Notification of Firearm Discharges

1. Employee responsibility

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

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

2. Supervisor responsibility

a. The supervisor shall respond to any scene in which an employee has discharged a firearm while on-duty or in the course of duty.

b. The supervisor is responsible for notifying the Watch Commander and when appropriate, the employee’s Deputy Chief and the on-duty Homicide investigator. This does not include the discharge of a firearm with the intention of dispatching an animal, unless it results in injury to a person.

c. Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report policy (P&P 2-101).

d. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.

e. At any officer-involved shooting incident, the Critical Incident Policy (P&P 7-810) shall be followed.

3. Reporting firearms discharges to the State

MN Statute section 626.553 requires the Chief of Police to report to the State Commissioner of Public Safety whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or when killing an animal that is sick, injured or dangerous. Written notification of the incident must be filed within 30 days of the incident. The notification shall include information concerning the reason for and circumstances surrounding discharge of the firearm. The Internal Affairs unit supervisor shall be responsible for filing the required form(s) with the State Bureau of Criminal Apprehension.

G. Required Written Reports

1. All employee firearm discharges that require notification, other than Critical Incidents, shall be reported in a PIMS report, including a Narrative Text, by the employee involved and the supervisor who was notified. The report shall be titled, “DISWEAP.”

2. The employee shall complete Force Reporting in accordance with P&P 5-302 and the supervisor shall then complete a Supervisor Force Review in accordance with P&P 5-303.

3. The Watch Commander shall include all case numbers on the Watch Commander log.
5-313 Control Option- Chemical Munitions
(10/16/02) (08/16/07) (xx/xx/23)

I. Purpose
The purpose of this policy is to expand on the requirements of other force policies, specifically related to chemical munitions.

II. Definitions
Chemical Munitions: Munitions designed to deliver chemical agents from a launcher or be propelled by hand.

Terms defined in P&P 5-302:
- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy
A. Policy and Guiding Principles
In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training
Officers shall only use chemical munitions in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300) including when used for crowd dispersal or protection.
C. Civil Disturbances and Assemblies

All use of chemical munitions for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.

D. Training Required

Chemical munitions shall only be used by employees who have successfully completed approved training.

E. Department-Issued Chemical Munitions

MPD officers are only authorized to use chemical munitions that are issued by the department.

F. Only for Use by SWAT

Chemical munitions shall only be used by trained Special Weapons and Tactics (SWAT) personnel on the orders of the on-duty Watch Commander or SWAT Commander.

G. Emergency Services

When chemical munitions are used, the Fire Department and an ambulance will be on standby at a safe distance near the target area.

H. Canister Removal

After the scene is secured, SWAT team members shall remove and dispose of any canisters in the area.

I. Treatment and Medical Aid

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

   • Removing the affected person from the area of exposure.
   • Exposing the affected person to fresh air.
   • Rinsing the eyes and skin of the affected person with cool water (if available).

2. Sworn employees shall keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel.

3. An officer transferring custody of a person exposed shall inform the entity accepting custody that the person was exposed to a chemical agent.
J. Documentation

Officers shall document use of chemical munitions as a use of force in accordance with the policy on reporting force (P&P 5-302).
5-314 Control Option- Flash Sound Diversionary Devices
(10/16/02) (08/16/07) (xx/xx/23)

I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to flash sound diversionary devices.

II. Definitions

Flash Sound Diversionary Device (FSDD): A flash sound diversionary device, also called a “flash-bang” device, produces a loud bang with a brilliant light that intended to cause confusion and distraction to provide a tactical team with a few seconds of advantage.

Terms defined in P&P 5-302:

- Carry
- Deliver
- Discharge
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

Officers shall only use FSDDs in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).
C. Civil Disturbances and Assemblies

In accordance with P&P 7-805, FSDDs shall not be used for crowd control, crowd containment, or crowd dispersal.

D. Training Required

1. Only personnel trained in the use of these devices shall deploy them.

2. Department approved training shall include the nomenclature, mechanical operation, and tactical deployment of FSDDs.

3. All members of SWAT shall also be trained by the Minneapolis Fire Department in the use of dry chemical fire extinguishers. Emphasis will be placed upon safety considerations and measures to be utilized when using these tools.

E. Department-Issued FSDDs

MPD officers are only authorized to use FSDDs that are issued by the department.

F. Only for Use by SWAT

1. FSDDs shall only be distributed by and used under the authority of the SWAT Commander or designee, who will make a decision about the use of such a device on a case-by-case basis.

2. The SWAT Commander or their designee shall distribute and supervise the use of the devices.

G. Extinguisher Available

When the device is used, one member of the entry team shall carry a dry chemical extinguisher for use in the event of a fire.

H. Treatment and Medical Aid

Officers shall provide any necessary medical treatment in accordance with P&P 5-301 and P&P 7-350.

I. Documentation

Officers shall document use of FSDDs as a use of force in accordance with the policy on reporting force (P&P 5-302).
A. De-escalation

In accordance with P&P 7-809 and P&P 5-301:

1. When feasible, officers shall employ developmentally appropriate and trauma-informed de-escalation and communication tactics with juveniles including, but not limited to:
   - Using a calm and measured tone, and a neutral demeanor
   - Using simple and concrete language and direct phrases
   - Avoiding threatening language

2. Officers may use repetition in a clear voice in order to reinforce instructions. When appropriate, officers will allow time for the juvenile to comply with instructions.

3. Officers shall not use threats and intimidation to gain compliance from juveniles.

4. As with any encounter, officers are expected to continually assess the situation, employ de-escalation techniques, and seek peaceful resolutions during incidents involving juveniles.
   a. Officers shall also account for any fear-based reactions juveniles may experience during an encounter which may manifest as aggression, defensiveness, defiance, or flight.
   b. Officer presence may be intimidating and threatening to juveniles, therefore, officers should approach calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, in order to diffuse tension and anxiety while maintaining safety.

B. Individualized Factors

In accordance with P&P 5-301:

1. If force is necessary, officers shall take into account individualized factors of the juvenile including:
   - Apparent age
• Body size
• Relative strength of the officer relative to the juvenile
• The juvenile’s known or perceived disabilities
• Risk posed by the juvenile

2. However, officers’ assessment of these factors shall not be impacted by the juvenile’s race or ethnicity, national origin, sex, gender, gender identity, religion, or the juvenile’s status with regard to public assistance.

3. Officers shall consider whether a juvenile may be noncompliant due to a medical or behavioral health disability, behavioral health crisis, physical or hearing impairment, language barrier, or drug or alcohol use (P&P 7-809).

C. Juveniles Injured By Use of Force

1. In case a juvenile is injured by an officer’s use of force, officers shall take immediate steps to provide medical attention (P&P 5-301 and P&P 7-350).

2. Officers shall notify the minor’s parent, guardian, or other responsible adult of the injury as soon as feasible.