



Minneapolis Police Department Policy and Procedure Manual

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Volume Five – Code of Conduct and Use of Force

Use of Force

5-302 Use of Force Reporting

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I. Purpose

- A. Recording, analyzing, and acting on quality data is critical for MPD to make data-driven decisions that are shaped by public safety needs and respect for the sanctity of life, and are free from discrimination.
- B. These reporting requirements are designed to provide MPD with the information necessary to:
 - Ensure supervisors receive timely notification so they can complete force reviews, which are essential in ensuring compliance with policy and identifying necessary corrective action.
 - Determine whether or not the use of force was objectively reasonable, necessary, and proportional in accordance with P&P 5-301.
 - Determine the effectiveness of policy, training, tactics, and supervision.
 - Provide for community and MPD member safety.
 - Hold members and supervisors accountable.
 - Provide the community with accurate information regarding use of force by MPD members.

II. Reportable Levels of Force

A. Actions Not Requiring Force Reporting

1. The following listed actions do not require any reporting (Use of Force details page, Narrative Text or supervisor notification) unless they result in an injury or complaint of injury or pain:
 - Control or escort holds.
 - Touch contact.
2. Handcuff use requires a Narrative Text and a checkbox on the Entity page in the Police Report, but does not require a Use of Force details page or supervisor notification unless it results in injury or complaint of injury (see section [IV]).

B. Level 1 Reportable Force**1. Level 1 definition and types**

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

- Displaying a firearm when engaged with any subject.
- Pointing a firearm at a person.
- Pointing an impact projectile launcher at a person.
- Performing a CEW warning alert, when engaged with a subject.
- Pointing a CEW at a person.
- Laser painting a person with a CEW or other weapon or device.
- Pointing a hand-held chemical aerosol at a person.
- Pressure point compliance techniques.
- Joint manipulations (including wristlocks, armbars, etc.).
- Weaponless defense techniques such as shoves.
- Body weight to pin.
- Control pressure.
- Using an authorized or improvised tool to push a person without striking (such as baton pushes and baton shoves, and shoves with a shield).
- Any other use of force that does not rise to a level 2 reportable force or level 3 reportable force.

2. Reporting firearm display and pointing for specific tactical operations

- a. A member engaged in the execution of a building search warrant or engaged in an Operation 100 shall be required to report level 1 reportable force involving displaying or pointing a firearm only when it involves a sustained active engagement with a person to gain that person's compliance.
- b. A member who quickly "sweeps" a room during a building search warrant, alarm call, hot call, or Operation 100 is not required to report each person at whom a firearm was momentarily pointed during the sweep. The circumstances of the sweep shall be described in the Narrative Text or call notes (if a Police Report is not required).

C. Level 2 Reportable Force**1. Level 2 definitions and types**

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

- Discharging a chemical aerosol.
- Deploying a CEW.
- Weaponless strikes other than the following which must be reported as level 3 reportable force ([II-D]):
 - o Level 3: Weaponless strikes to the head or neck if the person's head is near a hard surface.
 - o Level 3: Knee strikes or kicks to the head or neck.
 - o Level 3: Weaponless strikes to the throat.
- Baton strikes and improvised weapon strikes to any part of the body other than the head, neck, throat, face, sternum, armpit, spine, kidneys, or groin.
- Impact projectile that does not impact the head, neck, throat, face, chest, armpit, spine, or groin.
- Chemical munition use.
- Canine apprehension.
- Any reportable force against a handcuffed person other than control pressure (see section [IV] for additional requirements).
- Flash sound distraction device (FSDD) use.
- Takedowns (including leg sweeps, vehicle extractions to the ground, and baton pushes, baton shoves, and shoves with a shield that result in the person ending up on the ground or floor).
- Use of any other intermediate weapon.
- A control or escort hold, touch contact, handcuff use, or other action that results in an injury or complaint of injury or pain.
- Any use of force by an MPD member that results in injury or complaint of injury or pain, except level 3 reportable force.
 - o This includes aggravation of a preexisting injury.
- Physical contact with the neck during a use of force, including incidental contact and touching, that does not amount to level 3 reportable force.
 - o This does not include neck contact during a medical assessment such as checking someone's pulse.

D. Level 3 Reportable Force**1. Level 3 definition and types**

Level 3 reportable force involves force that causes substantial bodily harm, great bodily harm, or death, and other specified actions below:

- Deadly force.
- Using a vehicle to make intentional contact with a person.
- Using a vehicle to strike another vehicle.
- Using a baton or an improvised weapon to strike a person's head, neck, throat, face, sternum, armpit, spine, kidneys, or groin.
- Impact projectile use that impacts the head, neck, throat, face, chest, armpit, spine, or groin.
- Breaching round use that impacts a person.
- Weaponless strikes to the head or neck if the person's head is near a hard surface.
- Knee strikes or kicks to the head or neck.
- Weaponless strikes to the throat.
- Energizing a CEW on a person for more than fifteen total seconds.
- Force associated with or resulting in loss of consciousness, substantial bodily harm, great bodily harm, or death.
- Any force that causes injury resulting in admission to a hospital.

2. No review of recordings

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

Members who use or are physically present and observe level 3 reportable force may review the recordings after being interviewed and after making their initial Police Report. They may add an additional Narrative text after review but shall not alter the initial report and shall note that the additional Narrative text was made after viewing the recordings (P&P 4-223).

E. Reporting Prohibited Force

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

1. Maximal restraint techniques shall be reported and reviewed as level 2 reportable force.

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

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

A. Supervisor Notification of Force

The member who used a reportable use of force shall remain on scene and immediately make direct contact with a supervisor by phone or radio, so the supervisor can fulfill their responsibilities. If the scene is not safe, the member may move to a safer location no farther than necessary from the scene, and shall document the circumstances in their report.

B. Reporting Force Used in PIMS

1. The member who used a reportable use of force shall complete a Police Report including the code “FORCE,” a Use of Force details page (accounting for each reportable use of force), and a Narrative Text.
2. When documenting force in an incident through a Narrative Text with a Police Report or Street Check, members shall describe in the narrative:
 - The reason for the initial interaction (whether it was a stop, arrest, other enforcement action or other type of encounter).
 - A specific description of the person’s behavior prior to the use of force and throughout the encounter.
 - The alleged offenses of the person force was used on.
 - If the person was engaged in any first amendment-protected activity, a description of the activity.
 - Known or perceived information regarding the person’s mental health or medical condition, disability, difficulty understanding verbal commands, and use of drugs or alcohol.
 - Any efforts to de-escalate prior to the use of force and throughout the encounter.
 - An explanation of why any de-escalation techniques or tactics were determined to be not feasible.
 - A thorough and complete description of each use of force by the member.
 - The circumstances and factors the member considered for each use of force.
 - o How the person’s behavior and circumstances changed after each use of force.
 - o How changes or lack of changes in the person’s behavior and circumstances contributed to the member’s use of force considerations.
 - o Why each use of force used was objectively reasonable, necessary, and proportional under the totality of the circumstances (including each strike, deployment or other use of an empty hand technique or weapon).

- If the person was injured, displayed signs of an injury, or complained of an injury, and the nature of the injuries. This includes pre-existing injuries aggravated by, or injuries suffered as the result of, the force used.
 - If medical aid was rendered, and if so whether or not Emergency Medical Services (EMS) was called, and whether or not the member who used force was the same member who rendered aid or called EMS.
 - If medical aid was rendered, whether or not the person was transported to the hospital, and if so:
 - o Whether or not the transportation was because of force used.
 - o Whether MPD, EMS or another agency made the transport.
 - Whether or not there are BWC or in-car camera recordings, and whether or not the member viewed the recordings prior to completing their use of force documentation.
3. Members shall use specific and descriptive language, individualized to the circumstances, and shall not use only boilerplate language when describing the incident.
 4. Any time a Use of Force details page is required for an incident, the member shall also complete the de-escalation section in the Use of Force details page.
 5. See the restrictions in in the section on level 3 reportable force regarding review of video ([II-D-2]).

C. Complaint of Injury or Pain from Force

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

D. Reporting Observed Force in Non-Critical Incidents

Any member who is physically present and observes another member use level 2 reportable force or non-critical incident level 3 reportable force shall accurately and thoroughly describe the use of force in their Narrative Text.

E. 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, including by members who used force and by members who observed force, shall be completed as soon as practical, but no later than the end of the shift. Members needing medical attention may be granted an appropriate extension of the deadline.

F. Prohibition on Joint Narrative Writing

1. Members shall complete use of force reports and documentation truthfully, based on their own recollection of the incident and from their own perspective. Members may review body worn camera (BWC) footage to aid in their documentation for level 1 reportable force and level 2 reportable uses of force (see the level 3 reportable force restrictions in [II-D-2]).
2. Members are prohibited from sharing information about the use of force with another member for the purpose of justifying their use of force. This does not prohibit on-scene communication such as scene management, on-scene assessments, tactical debriefs, and sharing information with a supervisor as part of a notification or force review (P&P 5-303).
3. In circumstances where multiple members report on a use of force, the review process recognizes that different members may have varying information and recollections. Accordingly, differences in reporting do not automatically indicate a lack of truthfulness (P&P 5-303).
4. These prohibitions do not apply to Field Training Officers (FTOs) when they perform their duties in educating their Officers in Training (OITs) on how to articulate their use of force, accurately recall the incident, and write a better report. In doing so, FTOs shall not direct the OIT to alter facts of their report.

IV. Handcuffing**A. Police Report Required**

1. A Police Report is required for any incident involving handcuff use. The circumstances necessitating handcuffing shall be documented in a Narrative Text.
2. The application of handcuffs shall be marked in the corresponding box on the Entity page for each person handcuffs were applied to, subject to the exception for mass arrests below.
3. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC.
4. Handcuff use does not require the code FORCE or a Use of Force details page unless it results in an injury or complaint of injury or pain.

B. Injuries From Handcuff Use

1. If handcuffs themselves or the act of handcuffing result in an injury, complaint of injury or pain, or aggravation of a preexisting injury, then the handcuff use shall be reported as level 2 reportable force or level 3 reportable force.
2. A complaint solely of discomfort from handcuff use (as defined below) shall not be considered reportable force.
3. To determine if a complaint of injury or pain from handcuffing or handcuffs should be reported as level 2 reportable force or level 3 reportable force members shall do the following:
 - a. Remedy any issues with spacing or application when safe to do so, and then ask the person if they still feel pain or discomfort.
 - b. If the person is still feeling pain or discomfort, the member shall ask the person the following or similar questions:
 - i. Do you feel like you have a broken bone, or a pulled or sprained muscle, tendon or ligament, related to the handcuff use?
 - ii. Do you have persistent numbness or tingling related to the handcuff use?
 - iii. Do you have any prior injuries or conditions related to the area of pain that were aggravated by the handcuff use?
 - iv. Do you feel you need immediate medical attention or an ambulance?

- c. If the person answers “yes” to any of those questions, medical treatment shall be provided in accordance with P&P 7-350 and the handcuff use shall be reported as level 2 reportable force or level 3 reportable force.
- d. If the answers are “no,” the complaint may be considered a complaint of discomfort from handcuff use.

C. Reporting Handcuff Use in Mass Arrests

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

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

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

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

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

Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

Injury and Complaint of Injury or Pain:

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

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

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

- The complaint was not a result of resisted handcuffing.
- Any issues with spacing and application were immediately remedied by the member when safe to do so.

- The handcuff use did not cause an injury (see the handcuffing section [IV] in P&P 5-302).

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

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

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

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

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

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

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm (MN Statute section 609.02 Subd. 8).

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