

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-302 Use of Force Reporting			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 5-302 of the MPD Policy and Procedure Manual shall be amended as follows:

5-302 Use of Force Reporting

(01/01/23) (03/17/23) (02/08/24) (xx/xx/24)

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. Supervisor reviews of uses of force are essential to identify necessary corrective action, and they require timely notifications for proper response and review.**
- C. These reporting requirements are designed to provide MPD with necessary information to:**
 - Ensure supervisors are notified so they can complete force reviews.**
 - Determine the effectiveness of policy, training, tactics, and supervision.**
 - To provide for community and officer safety.**
 - To hold officers and supervisors accountable.**

II. Definitions

Empty Hand Technique: An empty hand technique is force used by an officer that employs the officer'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.

Level 1 Force: Level 1 force involves low levels of force that are reasonably expected to cause pain or injury but do not result in injury or complaint of injury, or the display and pointing of certain weapons. See the reporting requirements for included types.

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

Engaged with a Subject: This means treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident, while using some level of reportable force (such as display or pointing). An example of a person who is the focus of law enforcement attention is a person in crisis who may not be a potential suspect.

Point: Pointing a weapon means directing it towards a subject, while engaged with them as a potential suspect or as a focus of law enforcement attention in an incident (such as a person in crisis), with the intent to use or imply the use of the weapon. This includes using a CEW to conduct a warning arc or laser paint, and aiming firearms and less-lethal launchers.

Level 2 Force: Level 2 force involves the use of an intermediate weapon, weaponless strikes in specific situations, or force that causes injury or complaint of injury but does not rise to a level 3 reportable use of force. See the reporting requirements for included types.

Intermediate Weapon: Intermediate weapons 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 impact weapons.

Injuries and Complaints of Injury

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

Complaint of Injury or Pain: A person's claim or expression of temporary pain that is not reasonably associated with an observed injury.

Complaint of Discomfort from Handcuffing:

1. A complaint of injury or pain from handcuffing is considered a complaint of discomfort from handcuffing when all the following apply:
 - The complaint was not a result of resisted handcuffing.
 - Any issues with spacing and application were immediately remedied by the officer when safe to do so.
 - The handcuffing did not cause an injury (see the handcuffing section in the policy).
2. A complaint of discomfort from handcuffing shall not be considered a reportable use of force.

Level 3 Force: Level 3 force involves weaponless strikes to the head or neck near a hard surface, force that causes injury resulting in admission to the hospital, or any force that constitutes deadly force.

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

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

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

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

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

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

III. H-Reporting Requirements

A. No Rreporting Rrequired

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

- Escort holds.
- Touch.
- Handcuffing (a Police Report is still required- see the Handcuffing section below).

B. Level 1 Reportable Use of Force

1. Level 1 definition and types

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

- Displaying or pointing a firearm when engaged with a subject.
- Pointing a less-lethal launcher when engaged with a subject.
- Pointing a ~~CEW taser or conducted electronic/energy weapon (CEW)~~, using a CEW to conduct a warning arc, or and laser painting with a CEW, when engaged with a subject.
- Pointing a chemical aerosol when engaged with a subject.
- Pressure point compliance techniques.
- Joint manipulations (including wristlocks, armbars, etc.) and joint manipulation techniques.
- Weaponless strikes other than strikes to the head or neck.
- Weaponless defense techniques such as push-aways and, holds or slaps.
- Body weight to pin.
- Control pressure.
- Takedowns (including and leg sweeps and vehicle extractions to the ground).
- ~~Control pressure while handcuffing.~~
- Authorized or improvised tool to push a subject without striking.
- Any other use of force that does not rise to a level 2 or level 3 reportable use of force.

2. Display and pointing

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

- ~~a. 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.
- ~~b. 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.

~~b. Related terms~~

~~*[Moved to Definitions]*~~

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

~~**Engaged with a Subject:** This means treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident, while using some level of reportable force (such as display or pointing). An example of a person who is the focus of law enforcement attention is a person in crisis who may not be a potential suspect.~~

~~**Point:** Pointing a weapon means directing it towards a subject, while engaged with them as a potential suspect or as a focus of law enforcement attention in an incident (such as a person in crisis), with the intent to use or imply the use of the weapon. This includes using a CEW to conduct a warning arc or laser paint, and aiming firearms and less-lethal launchers.~~

3. ~~3.~~ Level 1 reporting requirements

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

C. Level 2 Reportable Use of Force

1. Level 2 definitions and types

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

- Discharge of an MPD-authorized chemical aerosol.
- Deployment of a CEW or application of a CEW in drive-stun mode. ~~Discharge of a taser or conducted electronic/energy weapon (CEW) (including probes/darts and drive-stun/touch).~~
- Weaponless strikes to the head or neck if the person's 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.
- Impact munition use (40mm or handheld).
- Physical apprehension by a canine.
- Any strikes or intermediate weapon use ~~reportable use of force~~ against a handcuffed person individual (see section [E] for additional requirements).
- Maximal restraint device.
- Use of any other intermediate less-lethal weapon, meaning a weapon that does not have a reasonable likelihood of causing or creating a substantial risk of death or great bodily harm.
- An escort, touch, handcuff, or other action that results in an injury or complaint of injury.
- Any use of force by an MPD officer that results in injury or complaint of an injury, except level 3 reportable uses of force.
 - o This includes aggravation of a preexisting injury.

2. Level 2 reporting requirements

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

D. Level 3 Reportable Use of Force

1. Level 3 definition and types

~~Level 3 force involves any force that causes or force that should have reasonably been known to create or cause a substantial risk of death or great bodily harm, and any force that results in hospital admission.~~

Level 3 force involves weaponless strikes to the head or neck near a hard surface, force that results in admission to the hospital, or any force that constitutes deadly force. Level 3 types of force include:

- Deadly force.
- 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 person-individual's head is near a hard surface.

[Moved to Definitions]

- ~~A "hard surface" means any surface that is unyielding or unlikely to absorb any meaningful force or impact. For example, concrete, frozen ground, wood surfaces, metal surfaces, etc.~~
- ~~If an individual is "near a hard surface," that means that a weaponless strike to that person's head would cause a direct and immediate impact with the hard surface as a result of the strike. For example, if the person is against a car or lying on the street.~~

- Any force that causes injury resulting in admission to a hospital.

[Moved to Definitions]

- ~~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).~~

2. Level 3 reporting requirements

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

3. No review of recordings

For Critical Incidents, the procedures relating to review of audio and visual data in P&P 7-810 apply. For other level 3 uses of force, officers 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.

E. Handcuffing

1. Police Report required

- a. A Police Report is required for any incident involving handcuffing. The circumstances necessitating handcuffing shall be documented in a Narrative Text.
- b. 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.
- c. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC.
- d. Handcuffing does not require the code FORCE or a Use of Force details page unless an injury or alleged injury occurred.

2. Injuries

- a. Handcuffing will be classified as a level 2 or level 3 use of force if it results in an injury, complaint of injury or aggravation of a preexisting injury.
- b. A complaint of discomfort from handcuffing shall not be considered a reportable use of force.
- c. To determine if a complaint of pain or injury from handcuffing should be reported as a level 2 or 3 use of force or may be considered a complaint of discomfort from handcuffing, officers shall do the following:
 - i. Remedy any issues with spacing or application when safe to do so, and then ask the subject if they still feel pain or discomfort.
 - ii. If the subject is still feeling pain or discomfort, the officer should ask the subject the following questions:
 - aa. Do you feel like you have a broken bone?
 - ab. Do you feel like you have a pulled or sprained muscle, tendon or ligament?
 - ac. Do you have persistent numbness or tingling?
 - ad. Do you have any prior injuries or conditions related to the area of pain?
 - ae. Do you feel you need immediate medical attention or an ambulance?
 - iii. If the subject answers “yes” to any of those questions, medical aid shall be provided in accordance with P&P 7-350 and the handcuff use shall be reported as a level 2 or 3 use of force.

3. Handcuffing in mass arrests

- a. If the Chief, Assistant Chief or a Deputy Chief gives authorization during a mass arrest situation (which involves multiple officers and typically involves more than five arrestees), officers who only apply handcuffs and escort someone to a transport vehicle do not have to record the application of handcuffs on the Entity form, as long as no injury resulted or was alleged to result from the handcuffing or escorting and as long as no additional force was used.
 - i. The officer shall still enter a Narrative Text for the incident and describe their actions.
 - ii. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.
- b. 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.

F. Reporting Force Used on a Handcuffed Subject

The requirements of this section are in addition to the standard requirements in the section on Use of Force and De-Escalation Reporting.

1. Notify a supervisor

~~a. If an officer uses strikes or an intermediate weapon against any force on a handcuffed subject (other than the types specified below), the officer shall remain on scene and shall notify an on-duty supervisor by phone or radio as soon as possible so the supervisor can respond to the scene.~~

~~b. Exceptions to this requirement are the following actions used on a handcuffed subject, when the force does not result in injury: Escort holds, joint manipulations and nerve pressure points, and body weight to pin or control pressure if they would not already require a supervisor notification.~~

2. Supervisor response

a. Respond to the scene

The supervisor shall respond to the scene, determine the level of force used, and follow the Use of Force Review policy as necessary.

b. Notify the Watch Commander

The supervisor shall immediately notify the Watch Commander of the incident directly by phone. If there is no Watch Commander on duty, the Commander of Internal Affairs shall be notified directly by phone.

3. Watch Commander response

The Watch Commander shall respond to the incident scene to gather information from the supervisor, observe the force subject and document any injuries, and shall immediately notify the Commander of Internal Affairs of the incident directly by phone.

4. Internal Affairs response

When the Commander of Internal Affairs is notified by the Watch Commander or an on-duty supervisor of an incident involving force used on a handcuffed subject, the Commander shall assess the situation and determine if an Internal Affairs call-out is warranted (in accordance with P&P 2-108), and whether to make a notification to the Deputy Chief of Internal Affairs.

5. Responding to the hospital

If the subject must be immediately transported to the hospital for treatment, both the incident Supervisor and Watch Commander shall respond to the hospital to complete their required steps.

G. In-custody Injury or Illness Reporting (Not from Force)

If a ~~person~~~~an individual~~ in custody suffers an injury or an illness, or aggravates a pre-existing injury, not due to force used, the ~~officer-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.

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

A. Force Reporting in PIMS

1. Anything other than routine contact with a person is considered a use of force. Examples of routine contact may include pat downs or incidental contact and they do not require use of force reporting.
2. All uses of force must be reported in PIMS as detailed in this policy, except for escort holds, touch and handcuffing that do not result injury or complaint of injury.
3. In order to complete a Use of Force details page, a full Police Report (GO), Supplemental Report (GO) or Street Check is required so that entities can be properly entered and linked, and the report shall include the code "FORCE."

B. ~~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:

- The reason for the initial interaction (whether it was a stop, arrest, other enforcement action or other type of encounter).
- Any efforts to de-escalate prior to the use of force.

- Why the officer decided to use force.
- Why the officer decided to use the degree-level or levels of force used.
- Whether the subject was injured, displayed signs of an injury, or complained of an injury. This includes pre-existing injuries aggravated by or injuries suffered as the result of the force used.
- Whether medical aid was rendered or Emergency Medical Services (EMS) was called, and whether the officer who used force was the same officer who rendered aid or called EMS.
- Whether the subject was transported to the hospital, and if so:
 - o Whether the transportation was because of force used.
 - o Whether MPD, EMS or another agency made the transport.

C. Supervisor Notification of Force

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

D. De-Escalation Reporting Requirements

Officers shall describe their de-escalation efforts in the Narrative Text for any incident requiring a Police Report, regardless of whether a Use of Force details page is required.

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

E. Force Reporting Timeliness

In Critical Incidents, Force Reporting shall be done in accordance with P&P 7-810. When a Police Report is required in accordance with P&P 7-810, any associated Force Reports shall be completed at the same time as the required Police Report. In all other cases, all required Force Reporting shall be completed as soon as practical, but no later than the end of the shift. Officers needing medical attention may be granted an appropriate extension of the deadline.

F. Based on the Officer's Own Recollection

Officers shall complete use of force reports documentation based on their own recollection of the incident, aided by a review of body worn camera footage when permitted by policy (see level 3 restrictions). Officers are prohibited from sharing information with another officer for the purpose of creating or producing such documentation, except that an officer may confirm the case number with another officer.

G. Completing on Behalf of the Officer

Supervisors may complete the Force Reporting documentation on behalf of the officer when the officer who used the force is unable to complete the report due to injury or in other extraordinary circumstances.

V. Reporting Observed Force

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

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