

Themes of MPD Use of Force policy updates

Document purpose

This document is intended to highlight general themes of the changes to the use of force policy updates in the drafts posted on June 6, 2024. This document does not cover all the changes and should not be treated as a replacement for the Special Orders (which show all the actual changes).

Policies

All use of force policies

The use of force policies were organized around a set of guiding principles that serve as the foundation for all of the force-related requirements and control option conditions for use.

5-301 Force Guiding Principles

- The sanctity of life, force that is objectively reasonable, necessary and proportional, and the duty to de-escalate are the first three guiding principles. Other guiding principles such as the duty to intervene and avoiding unnecessary force flow from the first three principles.
- The principle of force that is objectively reasonable, necessary and proportional was expanded and incorporated into the control options policies. Factors that are part of the objectively reasonable calculation were added, and explanations were added for when force is considered “necessary.” Proportional force is explained with the concepts of the level of the threat and modulating or discontinuing force.
- The term “less-lethal” weapon was replaced by “intermediate” weapon and “bodily force” was replaced by “empty hand techniques.”
- Definitions were added for “imminent harm,” and “tactical disengagement” and “physical disengagement,” which are part of de-escalation, crisis intervention, and the basis for the conditions of use.
- A section on calibrating force to accommodate when interacting with specific populations was added, with emphasis on a person’s ability and intent to cause harm. A significant portion of that section focuses on juveniles, including tactics and requirements when considering or using force while engaging with juveniles.
- The principle of warning of the intent to use force was expanded and was clarified to be a warning and not a threat of force.

5-302 Use of Force Reporting

- The policy on reporting force was previously updated to organize reportable force into levels. The new version adds a purpose section and a definitions section. The term “less-lethal” weapon was replaced by “intermediate” weapon and “bodily force” was replaced by “empty hand techniques.” The language around hospital admission was expanded and clarified. Definitions were added for “injury,” “complaint of injury,” and “complaint of discomfort from handcuffing.”
- Pointing a chemical aerosol was added as a level 1 reportable use of force.

- Language was added to the handcuffing section to clarify how officers can determine if handcuffing related complaints are from discomfort or should be considered a complaint of pain or injury.
- The documentation requirements were updated to clarify that de-escalation efforts should always be described in the Narrative Text section when a Police Report is completed.
- Sections were added to cover: the requirement that use of force documentation be based on an officer's own recollection, the allowance for a supervisor to complete documentation on behalf of an officer in certain circumstances, and the requirement that officers document level 2 and level 3 reportable force that they observe.

5-303 Use of Force Review

- The policy on use of force review was updated to define "responding supervisor" and to require that responding supervisors and secondary reviewers not review force they witnessed.
- The duties of responding supervisors were updated to include coordination with the independent police conduct review entity, as appropriate, to add language about consent for subject and witness interviews and photos, to clarify the photo requirements, to add the requirement to identify the MPD employees on scene, and to add requirements about identifying any non-discriminatory and impartial policing violations.
- The documentation requirements were updated and clarified for both responding supervisors and secondary reviewers.
- The requirement for secondary reviewers to provide timely feedback was added.

5-304 Authorized and Prohibited Use of Force Control Options

- The former policy 5-304 was split into separate policies, with the new 5-304 covering the general authorizations and prohibitions, and 5-305 to 5-314 covering specific control options.

5-305 to 5-314

- The sanctity of life was incorporated each control option purpose statement.
- The control option policies were organized to include a section for conditions of use, including the language around objectively reasonable, necessary and proportional force, and modulating or discontinuing force as the level of resistance changes. The conditions for use also include sections for situational factors and subject factors, where applicable.
- The equipment specifications were moved from 3-200 and incorporated into the control option policies, where applicable.

5-305 Control Option- Restraints

- The situational factors were updated to clarify that the policy applies in all instances of handcuffing. The factor involving the person being armed was clarified to specify that they must also present a danger to the safety of the officer or others. The subject factors section describes additional considerations for certain populations.

5-306 Control Option- Empty Hand Techniques

- The term "bodily force" was replaced by "empty hand techniques." The specific types were gathered into the definitions section. "Takedown techniques" were clarified to include actions that result in the person ending up on the ground or floor (whether intentional or unintentional).

5-307 Control Option- Impact Projectiles and 40mm Launchers

- Definitions were added for different types of impact projectiles. The policy was clarified to ensure it applies to bean bag rounds as well as 40mm rounds.
- The conditions for use include the requirement that impact projectile use on a person must be necessary to protect the officer, the subject or another part of objectively imminent substantial bodily harm or greater.
- A section was added for conditions for use on a surface.

5-308 Control Option- Chemical Aerosols

- Definitions were added to differentiate delivery and discharge.
- A section was added in the conditions for use covering people in restraints.
- Requirements were added regarding warnings and reassessment.

5-309 Control Option- Conducted Energy Weapons (CEWs)

- Definitions were updated to reflect manufacturer terms.
- A section was added under conditions for use more fully covering situations when the person is fleeing.
- The situational and subject factors were clarified and updated to require that the CEW only be used in those situations when deadly force is the only other option.
- A section was added under conditions for use specifically covering CEW use on a person who is restrained.
- Requirements were added regarding warnings and areas to target. Considerations and requirements were added regarding the length of energizing and the number of cycles used. Drive stun mode was limited to defensive applications.
- The section covering probe removal was updated to require medical personnel if several conditions are not met, including specific training on the removal.

5-310 Control Option- Impact Weapons

- The section on conditions for use incorporated a requirement that impact weapon strikes be limited to protecting someone from objectively imminent physical harm.
- The conditions for use section incorporated restrictions on target areas for impact weapon strikes.

5-311 Control Option- Canines

- The policy uses a similar structure to the other control options, but also points towards 7-807 where the general uses of a canine are prescribed.

5-312 Control Option- Firearms

- The section on vehicles was split into sections covering shooting *at* moving vehicles and *from* moving vehicles.
- A section was added under the conditions for use to cover shooting at a fleeing person.

5-313 Control Option- Chemical Munitions

- The policy was moved to the control options section from another chapter.

- The conditions for use prescribe the situations when chemical munition use is authorized that aren't covered by the crowd management policy (7-805), the methods of use, and the required considerations. The treatment and medical aid section was added to match other control option policies.

5-314 Control Option- Flash Sound Diversionary Devices

- The policy was moved to the control options section from another chapter.
- The conditions for use prescribe the situations when the device use is authorized.