

MPD's consideration of the community's feedback on use of force policies

The Minneapolis Police Department (MPD) compiled community feedback on the use of force policies below, along with the Department's considerations of the feedback. MPD also received "redlined" documents with suggested changes, which are attached after the compilation.

General comments

Document length and accessibility of information

Feedback

- It's problematic that the City does not put the documents together.
- Make policies more accessible on the City site.
- Show the draft changes between old policy and new policy.
- Put all the information and reports in one place.

Consideration

- The current policy manual is currently displayed as a single pdf that includes headings for navigation between policies and sections. After feedback on the draft policy process, the Department offered the current policies in one subject as a single document as well as individually. The Department also posted the special order documents, showing the changes between current policies and the draft policies.
- The policy manual pdf is available on the public website.
- Originally, drafts posted were the clean versions, along with the current ("old") policy, but not the special order versions. New postings include the special order version as well, which shows the changes.
- An Updates page was added to centralize the new documents being posted. The implementation dashboard now includes the other various dashboard links.

Feedback

- The MPD Policy and Procedure Manual is 711 pages. It's not actuated, and you cannot find things easily. It seems meant to be that way.

Consideration

- The pdf version of the manual does include headings, which can be used through the navigation panel. Headings and list items are used to break up policies and allow users to jump between policies and sections more easily. However, the Department is going to be implementing new policy management software to make the policies more accessible to all users (internal and external).

Feedback

- The Use of Force Policy is 77 pages long. No one can access that much information in an instant. You need to break that into other policies. The Use of Force Policy should ONLY cover what an officer does with the person/s in front of them. The Use of Force Continuum. Giving examples also limits the officer's ability to recall the policy in a split second. Teach them concepts in scenario training, but don't write a policy to try to cover very situation. This one policy is trying to cover too much.
- Policy needs more examples, especially for de-escalation.

Consideration

- The policies in chapter 5-300 are split up into separate policies for reporting, review, and individual force options.
- Training uses the Critical Decision-Making Model in place of the continuum.
- The settlement agreement requires detail and specificity, and members request that as well, including examples. The new policies try to strike a balance between length and detail/clarity.

Feedback comment length

Feedback

- The City needs to allow for comments of more than 200 words.

Consideration

- The feedback form was modified to allow 500 words in a comment. Users can also submit as many comments as needed, or email their feedback if that format is preferable.

Unarmed response

Feedback

- Armed officers should not respond to most calls.
- Police should try not using force for 6 months and see what happens.
- Stop using force. Period.

Consideration

- Behavioral Crisis Response (BCR) teams respond to specific types of crisis calls, are unarmed, and are not officers. The City has explored non-police response to other calls. MPD does not have the teams or resources to staff non-police responses currently. When police respond, they are required to be armed.
- The policy does not completely prohibit force, but places limits, including that force must be objectively reasonable, necessary and proportional, and members must use the lowest degree of force necessary.

Data and measuring

Feedback

- There should be constant measuring.
- There should be a database where use of force information is stored.
- All of the reports should be made public.

Consideration

- Use of force documentation is required by policy, and use of force data is available publicly on a dashboard. The Department also does internal reviews and analysis of the data.
- The Department's records management system stores the information about use of force.
- Reports are available on the website about complaints involving use of force. For the actual narratives and full reports, that would require redaction and tracking around what is part of a current investigation and would require dozens more employees.

Include people's experiences

Feedback

- Have the documents reviewed by people who have been traumatized.
- Include the experiences of people who have been traumatized in training.
- Do officers on the street get to read or hear about the comments from the community?

Consideration

- The policy drafts are available on the public website and the feedback form is open to anyone to submit. The City's Community Commission on Police Oversight provides another forum for people to share their experiences and feedback.
- The Training Division would be open to incorporating community perspectives from those community members that have been subject to police uses of force.
- Members in patrol see the draft policies that incorporated feedback. They also were provided the initial reports analyzing the feedback and will have access to this summary.

Look at other agencies

Feedback

- MPD should look at Los Angeles since they did an excellent job weaving in sanctity of life for their department.
- MPD should add the language from the Settlement Agreement into the policy.

Consideration

- Other agency policies are reviewed and combined when possible, including those from agencies who have had consent decrees.
- The sanctity of life was rewritten to ensure policies and decision-making are grounded in the sanctity of life. The principle was also incorporated into the Department's mission, vision, values, and goals.
- The sanctity of life was added to all the individual force option policies to emphasize the importance.
- Part of producing a policy approved by the independent monitor (ELEFA) was to incorporate the language and requirements from the agreement into policy, in a manner that members can understand and operationalize.

Release of body-worn camera recordings

Feedback

- Body-worn camera footage should be released within 24 hours.
- All footage should be made public, not just extreme events.

Consideration

- Body-worn camera recordings are governed by state statute and only those involving firearm discharges and substantial bodily harm are public. The others are considered private data. For officer-involved shootings, the BCA makes a determination on when to release the data pursuant to their investigation.
- Redaction of other recordings to make them releasable is not feasible within 24 hours, and would require dozens more staff in Records.

Starting over

Feedback

- Consider blowing up the book and policies and starting over.
- It could be another twenty years before it's revised again.

Consideration

- In some cases, the policies are almost completely new. In other cases, they may retain some of the prior language or structure, especially in cases where they incorporated legal principles. But all of the policies related to the Settlement Agreement are undergoing substantial rewrites, with new training, new review processes, and additional oversight, with emphasis placed on changing the culture.
- The policies will continue to be revised after the initial implementation, and will be reviewed at least annually.

Police academy for community

Feedback

- Bring back the community police academy. It was very helpful.

Consideration

- The Training Division would be interested in bringing it back, but does not currently have the staffing resources available.

Cost of excessive force

Feedback

- An Appropriate Force Bonus (AFB) should be paid to each Minneapolis officer, based on the amount of reduction of excessive force lawsuits towards the goal of zero excessive force lawsuits.
- Show the cost of excessive force lawsuits with each property tax bill
- Convert the waste of excessive lawsuits to a bonus for officers to use appropriate force.

Consideration

- The property tax bills are handled by Hennepin County.
- Bonuses and penalties would be handled through the labor agreement rather than policy.

BWC activation

Feedback

- Any officer who fails to activate their BWC before unholstering or deploying a CEW should be terminated.

Consideration

- Body-worn cameras (BWCs) are automatically activated when a member energizes their conducted energy weapon (CEW).
- The Discipline Matrix includes BWC activation.

Feedback

- If MPD is really committed to transparency, policy should require that the body camera has a clear view.

Consideration

- The updated body-worn camera (BWC) policy includes the requirement that the BWC be worn facing forward and unobstructed, on the outermost garment in the chest area.

5-301 Force Guiding Principles, Authorizations, and Standards

[1] Purpose

Feedback

- Add a bullet to the purpose saying “ensure that only the objectively reasonable and appropriate degree of force is used under the circumstances.”

Consideration

- Similar language was added but was expanded to state that it must be consistent with law and policy and to incorporate the language of “objectively reasonable, necessary, and proportional.”

Feedback

- Add the following paragraphs to the purpose:
“The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must act within their authority and their limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.”

Consideration

- The first paragraph duplicates some of the original draft paragraph, and includes language authorizing force but without all of the requirements and explanations later.
- Added the language about members acting within their authority and limitations.

Feedback

- Add a bullet saying “facilitate compliance with the law.”

Consideration

- Added the bullet to the list.

Guiding principles

Feedback

- The guiding principles should include examples.
- The policy needs to explicitly say what to do, and explicitly say what not to do.
- What is the purpose of the guiding principles?

Consideration

- Training will include examples of how the principles can apply to the scenarios members practice. The critical decision making policy (7-801) also includes examples of questions members can ask themselves to assess situations.
- Each force option policy contains conditions for use, and prohibitions where applicable.
- The concepts in the guiding principles section are the foundation for how members will be trained and are not identified as goals. They are identified as the principles that must be considered when taking action. They are driving the policy that follows.

[II-A] Sanctity of life, and dignity

Feedback

- Police need to connect to humanity to serve others.
- The sanctity of life needs to be woven throughout.
- Police are public service members and should be expected to treat people with dignity.
- Taking away people’s dignity escalates the situation.
- Sanctity of life means no “us” vs. “them.”
- Sanctity of life means more than life or death, it includes quality of life.
- You should respect the person, value their life and then take them to the police station. It is human nature, people will do crimes but you should communicate and show decency for the human.

Consideration

- The sanctity of life was rewritten to ensure policies and decision-making are grounded in the sanctity of life. The principle was also incorporated into the Department’s mission, vision, values, and goals.

- The sanctity of life was added to all the individual force option policies to emphasize the importance.
- The draft of the procedural justice policy (P&P 5-109) describes how members should interact with people to show respect and professionalism, and treat every person with dignity.

[II-B] Duty to de-escalate

Feedback

- De-escalation is key and should be right after the sanctity of life.

Consideration

- De-escalation was moved to the second principle, and a new policy was created to incorporate and expand the requirements for de-escalation.

[II-C] Objectively reasonable, necessary, and proportional force

Feedback

- Reexamine whether force is necessary and why it is being used.
- The language about authorized force should say “the minimum to achieve the lawful objective.”
- There is a whole range of force. There is a point at which force is necessary.

Consideration

- The force guiding principle on Objectively Reasonable, Necessary, and Proportional Force describes the requirements around “necessary” force. That includes using only the lowest degree of force necessary in accordance with policy and law.

Feedback

- Add “objectively” to the totality of the circumstances language stating “as reasonable perceived at the time.”

Consideration

- The policy was reorganized and the two sections covering objectively reasonable force were combined. The specific line being referenced was removed, but the totality of the circumstances language and definition cover similar concepts.

Feedback

- Expand objective reasonableness.
- Criminality should be part of the consideration.
- Objective reasonableness is subjective.

Consideration

- The section on objective reasonableness was significantly expanded to incorporate factors members should consider, and explanations of the requirements for force to be necessary and proportional.
- The factors members must consider as part of objective reasonableness include the severity of the crime or crimes at issue, as well as whether the person poses an immediate threat to the safety of the member or others. Step 3 of the critical decision-making model includes members considering how applicable policies and laws authorize or restrict their actions, based on the totality of the circumstances.
- The language of objective reasonableness bases the determination on the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the member at the time. The intent is to remove as much subjectiveness as possible.

Feedback

- Officers need to be able to back up why they use force.

Consideration

- When force is used, members must provide extensive detail as to why they used force, and what alternatives and de-escalation techniques and tactics they considered, to determine if it was appropriate.

Feedback

- Use of violence on unarmed citizens is wrong. Protect and serve.

Consideration

- Sanctity of Life is the first factor in determining if force is necessary under the guiding principles. Being unarmed is a factor in the objectively reasonable, necessary and proportional calculation.

Graham v Connor

Feedback

- Graham v Connor needs to come back into the policy.

Consideration

- The Department is generally not citing court cases around force, as Minnesota Law, Department policy, Settlement Agreement requirements, etc. go beyond the case language. Additionally, members are not always exposed to the full context of the court case.

Feedback

- Once a subject is confined to handcuffs and their actions are not kicking, spitting, biting, running, etc., as they should not be subjected officers sitting on them, unless it is necessary.

Consideration

- The section on people who are restrained was expanded, with additional language restricting higher degrees of force.

[II-D] Consider vulnerable populations

Feedback

- The de-escalation techniques listed in this section ([II-D-2]) should apply to all people, not just minors.

Consideration

- A new policy was added (P&P 7-802) to incorporate and expand the de-escalation language from P&P 5-301. This section in 5-301 states “as with all encounters” to emphasize that these aren’t only for minors, but it still contains important reminders about minors specifically. The new de-escalation policy covers the same or similar concepts for all people.

Feedback

- Officers should be banned from actions that could aggravate injuries or to use certain techniques on people with disabilities.

Consideration

- The objective reasonableness incorporates the person's ability and intent to cause harm. Using force on someone with injuries or disabilities is directly prohibited, but those are factors in establishing whether it would be reasonable, necessary and proportional. And the principle on considering vulnerable populations further expands those concepts. If force causes and injury or aggravates a preexisting injury, it would be level 2 or level 3 reportable force.

Feedback

- Add a person's immigration status to the list of a person’s statuses that should not impact a member’s assessment of factors.

Consideration

- Immigration status is included in the non-discriminatory policing policy as a protected class status. Members are prohibited from considering a person’s protected class status when making law enforcement decisions.

[II-E] Duty to intervene

Feedback

- Police don’t let other police or other people intervene.

Consideration

- The duty to intervene is further emphasized in the new policy, and the observer has the same responsibility for stopping unreasonable force as the member using force.

[II-F] Promote trust, and show respect and dignity

Feedback

- Officers shouldn't be using foul language that they wouldn't use with their families. There are better ways to communicate.
- Police shouldn't be sarcastic with people.
- Assume positive intent.

Consideration

- The guiding principle on respect was moved up. The professional conduct policy addresses profanity and harsh language. The procedural justice policy also incorporates and expands language around professional policing and courtesy. The guiding principles and the de-escalation policy also prohibit words or actions that a reasonable person would conclude are intended to incite or escalate reactive behavior, such as taunting.
- The crisis intervention policy emphasizes the purpose of helping. The procedural justice policy emphasizes respectful communication to gain voluntary compliance (when necessary).

Feedback

- The principles should include equity, cultural competence, and trust.

Consideration

- Principle [F] Promote Trust, and Show Respect and Dignity is one of the force guiding principles, and this principle is emphasized throughout training. It includes respect, dignity, and policing without discrimination or prejudice. The principle emphasizes building trust, and that a commitment to and demonstration of the force guiding principles are critical in building that trust.
- Cultural competence is part of the procedural justice trainings, and equity is part of the non-discriminatory policing training, and the procedural justice and non-discriminatory policing policies.

Discrimination

Feedback

- How do you train someone not to be racist?
- Society and police are inherently racist. That needs to be acknowledged.
- Force should be decreased for people of color.
- If officers see behaviors that are problematic, what do they do?
- Police need to do training about poverty.
- The history of policing is in racism and slavery. Police need to be untrained to be retrained.

Consideration

- The training on the non-discriminatory policing policy includes implicit bias training to help members recognize and counteract assumptions.
- Section [II-F] in policy 5-301 includes a prohibition on allowing race, gender, ethnicity, or any other protected class status to influence any decision to use force.
- The non-discriminatory policing policy requires reporting of discriminatory behavior, and it also requires intervening to stop such behavior.

- Members will go through new training on non-discriminatory policing and procedural justice.

[II-H] Identify self and warn of intent

Feedback

- Add language to the warnings section regarding allowing time for compliance if feasible.
- People need to be trained in giving the warnings.

Consideration

- The sections about warnings were combined, and the updated version includes language about allowing reasonable time to comply when feasible.
- The principle about identifying self and warning of intent is woven throughout the use of force trainings.

Feedback

- Officers should communicate in the moment and on camera why the force is necessary so the person can understand the consequences.

Consideration

- Members are trained and required to clearly and precisely warn of intent in all situations when it is feasible and safe to do so. Members should communicate as much as possible to those they are interacting with, but at times there is a need for split-second decisions and members cannot be expected to make their decisions and act accordingly while simultaneously dictating their thought processes out loud. Even in situations where there is time to slow down the scene, members have to focus on multiple things simultaneously such as their conversation with the person, the feasibility of de-escalation techniques and tactics, the use of empty hand techniques, and the use of intermediate weapons.

[II-J] Prohibition on retaliation, punishment, and coercion

Feedback

- Force is often used on someone who is just trying to explain their actions or stating opinions.
- Police retaliate against people who might have gotten mad at them.

Consideration

- Section [II-J] prohibits using force as a means of retaliation, punishment, or unlawful coercion, or deterring a person from engaging in lawful conduct, including engaging in boisterous or insulting behavior or engaging in a protest or demonstration.
- The de-escalation policy emphasizes resolving incidents without force whenever feasible.
- The professional conduct policy (5-102) prohibits malicious prosecution.

[II-M] Accountability

Feedback

- Accountability should be one of the principles.

Consideration

- Accountability is one of the guiding principles in policy 5-301.

Feedback

- Section [II-M-2]: Change “may” to “shall” in “may be subject to discipline.”

Consideration

- Discipline is covered by the policy manual and cannot be guaranteed by the policy. However, the language was changed to “should expect corrective action or discipline, up to and including termination, and may be subject to criminal or civil liability.”

Feedback

- Make sure officers are accurately reporting and not keeping things quiet.
- Stop lying.

Consideration

- The policies require complete, accurate, and truthful reporting. The accountability policies require members to report any force they think was not reported as required. The policy also includes a section prohibiting joint narrative writing.
- The truthfulness requirement is included in the Professional Code of Conduct policy (5-102), and is specifically called out on the Discipline Matrix.

Feedback

- Officers should not be paid while they are on leave after an incident.

Consideration

- Critical incident-related leave is governed by the labor agreement.

Feedback

- How will we hold ourselves accountable?
- Accountability is needed for mis-reported and un-reported force.
- Officers should know what to expect from using force inappropriately.

Consideration

- The review processes have been strengthened and expanded, and will include multiple levels of review. Additional reviews have been added by other sections such as the Implementation Division’s Compliance team and the Quarterly Review Panel (QRP).
- The Duty to Report has been strengthened and clarified, to ensure that Internal Affairs is notified of issues potentially requiring investigation.

- The Duty to Report includes the requirement to report force that should have been reported but was not.
- The accountability language states that members should expect discipline for using force that violates policy. The Discipline Matrix addresses unreasonable force, but the specific circumstances may cause differences between one instance of reportable force and another instance of the same level of reportable force.

Feedback

- Body cameras should be on for uses of force.

Consideration

- Body worn cameras (BWCs) are required to be on and activated during use of force incidents (P&P 4-223).

Firearm pointing referral

Feedback

- In any instance where firearm pointing is not justified the matter should be referred to the County Attorney for review of criminal charges for felony assault etc.

Consideration

- Members who use firearm pointing that is unreasonable, like all other force that violates laws or policies, should expect corrective action or discipline, up to and including termination, and may be subject to criminal or civil liability.

[II-N] Importance of member wellness

Feedback

- Officers go from scene to scene to scene, they don't get a chance to decompress. Focus on wellness.

Consideration

- The wellness program recognizes trauma and stress from continuous or repeat calls. The program is expanding and the new health and wellness policies will emphasize practices, processes, and resources centered on member wellness.

[III-B] Legal authority to use force

Feedback

- Policy needs to cover an officer saying they have a warrant when they don't.

Consideration

- When making an arrest, members are required to verbally announce the arrest to the person and inform the person of the warrant (if making an arrest under a warrant), when feasible. Truthfulness is covered in policy 5-102.

[III-E] Training

Feedback

- Policy is only part of it, and training is needed to make sure members can understand and will follow the policy.
- Police have to show proficiency with a gun, but not in de-escalation tactics.
- How often will training happen?
- There should be measurability with training.
- Police should use body camera footage in training to show what is necessary or not necessary.
- Officers should watch their body cameras after good and bad situations.
- Training should include scenarios they reenact and instructional videos.
- We should learn from what works and what doesn't.
- There should be more than 8 hours a year of use of force training.
- Training should be every 90 days or six months at a minimum. Once a year is not ok.

Consideration

- The Department is receiving new training on the updated use of force policies, which was developed to include the required adult learning techniques. The new policies and training are intended to change culture and emphasize accountability.
- The reality-based scenario training used now requires members to show proficiency in the use of de-escalation techniques and tactics.
- After the initial training, members will receive at least eight (8) hours of use of force and de-escalation training.
- If a member fails to show proficiency in training, they will be remediated on site and asked to repeat the scenario until a satisfactory outcome is achieved.
- Supervisors review the body worn camera recordings for all level 2 and 3 reportable force and for level 1 reportable force involving firearm pointing, and will be required to review BWC for additional situations through other processes.
- The quarterly review panel (QPR) will review a sample of level 1 and level 2 use of force body worn camera footage at one quarter per year. The QRP will also review incidents and provide recommendations for improvements to policy, training, and equipment.
- The Implementation Division's Compliance team reviews numerous body worn camera recordings during performance review.
- Using video in training is referred to as case studies. This technique has been incorporated in the new use of force course and previous courses have also used case studies.
- Members can watch their body worn camera when completing level 1 and level 2 reportable force documentation. Level 3 reportable force has restrictions on watching the body worn camera recordings.
- Scenarios are reenacted during annual use of force training, and the new training includes comprehensive scenarios. Videos are also used, but they cannot cover all situations a member might face due to the varied circumstances in the field.

- The MPD Training Division would advocate for as much training as possible, with the understanding that necessary resources and staffing would be required to accomplish additional training beyond the existing levels.

Feedback

- Police should not teach officers to fear.
- Training should include practicing humanizing people.
- People experience fight or flight- they do what they practiced. Police need to practice humanity instead of dehumanizing.

Consideration

- Members are prohibited from attending “warrior” or “fear-based” training, and the updated trainings will be reviewed for compliance with the Settlement Agreement.
- The Department trains members to slow down and stabilize a situation whenever possible, and if the threat is ongoing officers are taught to designate a particular person to communicate with the person, so that they can solely focus on humanizing them while other officers work to create a plan of how to best address the situation. Members also go through implicit bias training.

Feedback

- There needs to be more training on dealing with people of color, teenagers, and people with mental illness.

Consideration

- The use of force training includes portions on calibrating to accommodate (for populations such as teenagers), and on situations involving people in crisis. There are additional upcoming trainings on engaging with minors and non-discriminatory policing.

[IV] Definitions

Feedback

- Add “objectively reasonable” to the “from appearances” language in the definition of “imminent threat.”

Consideration

- The definition was updated and no longer contains the “from appearances” language but does reference objectively reasonable, necessary, and proportional force.

5-302 Use of Force Reporting

[1] Purpose

Feedback

- Add language about respect for the dignity and sanctity of life after “public safety needs.”

Consideration

- The language “respect for the sanctity of life” was added.

[II-B] to [II-D] Levels, generally

Feedback

- Are the levels clearly defined and written down?
- All weapons should require a report and it should be reviewed.
- The levels need to make it into policy.

Consideration

- The levels of reportable force are defined in P&P 5-302, and have lists of what falls under each level.
- All weapons and the use of handcuffs require a police report. The review policy requires that a supervisor conduct a review on all reportable force incidents.
- The policies that cover force options use “degree of force” and the reporting policy uses “level.” Using levels of force seems like it sets up a force continuum- the person did this, so the member can do this, but does not address other factors such as situational factors, distance, etc. that can increase or decrease the impact of the force. That can encourage matching or exceeding actions of the person instead of evaluating the situation and risks. Such factors can result in a higher level of reportable force due to the degree of injury or area of the body the force impacted.

Accountability tied to levels

Feedback

- MPD should tie the levels of reportable force to accountability with higher levels of accountability for higher levels of reportable force.

Consideration

- Accountability is not directly tied to each type of force or each level, because the circumstances can affect the reasonableness or degree. Higher levels of reportable force do have more restrictions regarding things like reviewing body-worn camera video, and include a more involved review process.

Pain

Feedback

- Is pain involved in level one reportable force?
- Is pain based on the person’s opinion or the arresting officer?
- What about pain that someone discovers later?

Consideration

- The updated language is:
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 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 reportable force includes whether the member observes an injury, or the person has a complaint of pain or injury.
- A section was included to help members determine if force resulted in pain or injury, including questions to help guide that determination.
- Pain for force reporting purposes must be known at the time of the incident, as it affects immediate notifications, supervisors responding to the scene, and member review of body-worn camera footage. People can still submit complaints about the incident later, but the force reporting levels cannot be dependent on pain discovered later.

Feedback

- Trauma should be considered in addition to physical pain.

Consideration

- Trauma and other non-physical pain would often be something diagnosed after the event and would not be feasible for a responding supervisor to assess and review at the scene, so the reporting policy is focused on injury or complaint of injury or pain. The new training focuses on using the lowest degree of force necessary- the intent of this is to minimize pain and trauma to the greatest extent possible.

Firearm pointing and drawing

Feedback

- Firearm pointing is psychologically damaging, and more serious than pushing.
- Firearm pointing should be reportable force.
- Firearm pointing should be level 2 reportable force.
- Firearm pointing should require supervisor review. Firearm pointing is a felony crime absent legal justification, the justification must be evaluated by a supervisor to ensure compliance with the law and policy. Firearm pointing was one of the catalysts of the George Floyd murder triggering his flight response when poorly trained officer pointed a firearm at him without legal justification.
- Gun safety people would say you shouldn't point a gun at something unless you are ok with it being shot. It shouldn't happen with humans.
- Firearm pointing feels like a huge escalation.

Consideration

- Firearm pointing was not included in the settlement agreement levels. The Department included it (as well as display) to ensure that it was considered reportable force and would be reported consistently. Supervisors wouldn't have to respond to the scene and take photos (as required by level 2), but an additional type of review was added for firearm pointing that does specifically require a review of BWC to ensure de-escalation techniques and tactics were used and the force was objectively reasonable, necessary, and proportional.

- Firearm pointing is not prohibited, but is only permitted when the member reasonably believes the situation may escalate to create an imminent threat of deadly force. The policy covers unnecessarily or prematurely drawing a firearm.
- In addition to the requirements specific to firearm pointing, the guiding principles and the de-escalation policy include a prohibition on unnecessarily escalating an encounter.

Feedback

- Gun drawing needs to be reportable.
- Drawing a firearm at the low ready state should be level 1 reportable force.

Consideration

- Firearm display (drawing) was not included in the settlement agreement levels, but the Department included it in level 1 to ensure that it was considered reportable force and would be reported consistently. That includes drawing in a low ready state.

Canine

Feedback

- Unlike taser or pepper spray, when a dog latches onto you, serious bodily damage happens. It should be considered a rifle or a gunshot, and it's not even in the Use of Force reporting piece.

Consideration

- Canine apprehensions were kept as level 2 reportable force. However, level 3 includes admission to the hospital and now includes substantial bodily harm, so the severity of an injury from a canine apprehension require that it be reported as level 3 reportable force.

Tensing

Feedback

- Tensing is automatic when people are grabbed, but then police go to level 2.

Consideration

- The levels of force cover how things should be reported, and do not affect the reasonableness. Active resistance includes "forcefully resisting the officer's grip" but the member must articulate actions that present an imminent threat of harm for the resistance level to be beyond "active."
- The new use of force training course includes extensive instruction on empty hand techniques, and specifically addresses how to interact with a person who tenses. Members will be taught physical techniques as well as de-escalation tactics, for these specific situations. Members will also take part in a specific reality-based training scenario that addresses someone who tenses.

[III-B] Reporting force used in PIMS

Feedback

July 19, 2025

- Officers are more concerned about how it looks on BWC vs writing clearly in the report with what occurred.

Consideration

- The report requirements include a detailed narrative description of what happened. Policy 5-302 includes specific things members must articulate in their report. PIMS is the records management system for the reports.

[III-E] Force reporting timeliness

Feedback

- The incident report writing should be instant.

Consideration

- The policy details the report requirements for each level of force and the required elements for the report. The reporting cannot be instant, as the incident and any transport or medical attention must be resolved first. The reporting is required by the end of the shift.
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[IV] Handcuffing

Feedback

- There's no need to put everyone in handcuffs for "safety." Handcuff use should be reported as a use of force.

Consideration

- The policy on restraints (5-305) covers the specific situations when handcuff use is authorized.
- The reporting policy does require that handcuff use be documented in the Police Report, even though it isn't specifically called reportable force. Additionally, if there is an injury or complaint of injury or pain from handcuff use, that is level 2 reportable force.

5-303 Use of Force Review

Requiring reviews

Feedback

- All use of force needs a review.
- Firearm pointing needs a review.

Consideration

- The policies now include a new type of review for level 1 reportable force.

- Firearm pointing now has an extra level of review beyond standard level 1 reportable force, requiring that supervisors review body worn camera recordings to ensure feasible de-escalation techniques and tactics were used.

Independent reviews

Feedback

- The reviews need to be independent of one another.
- Secondary force reviews should be conducted by an independent civilian oversight agency, such as OPCR or the CRA. Internal Affairs is insufficiently independent from the police department to conduct any investigations or reviews of officers.
- All CEW deployments should be subject to secondary use of force review by independent civilian oversight (not MPD employees).

Consideration

- Reviewers need to review both the initial use of force and any prior reviews. Each entity in the review process is independently accountable for their own review.
- CEW deployments require secondary reviews.
- The Department is required to conduct secondary force reviews by the Settlement Agreement.

[II-D] Feedback for growth and improvement

Feedback

- Add a one-month deadline to the requirement for timely feedback by the secondary reviewer.

Consideration

- A separate section was created to cover feedback by supervisors and secondary reviewers. The requirement is to provide feedback within seventy-two hours.

[III-B-3] Length of time to find another supervisor

Feedback

- Cap the reasonable period of time to look for another supervisor at one hour.

Consideration

- The length of time to look for another supervisor that can be considered reasonable will vary based on the circumstances. MPD did not add a specific time to the policy.

[III-D-2-c-ii] Supervisor responsibilities

Feedback

- Add language about “obtaining statements from” members.

Consideration

- The term “debrief” is needed as “statements” have implications within Minnesota statutes and labor agreements.

[III-D-4-a] and [IV-E] Extensions

Feedback

- Add language about documenting an extension for the force reviews (if granted), and reasons for the extension.

Consideration

- A documentation requirement was added to the two sections related to timeliness of the force reviews by the supervisor and secondary reviewer.

5-304 Authorized and Prohibited Force Options

[I-B] Purpose- calibrate force level

Feedback

- Add "in order to calibrate use of force to the level reasonably necessary under the totality of circumstances."

Consideration

- The statement in this clause is more about control options beyond empty hand techniques, so the suggestion did not seem directly applicable. Additionally, MPD is trying to keep the term “level” associated with force reporting and is using the term “degree” for the specific uses of force (different degrees can lead to different levels of reportable force).

[II-A-2] Deviating from trained techniques

Feedback

- Add language that it is sometimes reasonably necessary for use of force deviate from trained techniques.

Consideration

- Incorporated similar language, with the addition of “in rare circumstances.”

[II-C-4] Prohibition on the maximal restraint technique (MRT)

Feedback

- The hobble should not be used.

Consideration

- The maximal restraint technique (MRT) remains prohibited. The Hobble is a device used for the MRT and is similarly prohibited.

[III] Definitions- "less-lethal" terms

Feedback

- Manufacturers advise on how to shoot for non-lethal.
- People can be killed or seriously hurt from less-lethal rounds.

Consideration

- Some of the force options policies had language explaining that the manner of use may result in deadly force. The term "less-lethal" has been removed from the policies, and the weapons are now referred to as "intermediate weapons." Additional language was included describing how some of the intermediate weapons could be lethal, depending on how they are used.

Policy numbering

Feedback

- The proposed 5-304(III)(B)(2) reads: "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." That's the same language that appears in the current 5-302 section. (Strangely, the current 5-302 section even refers to itself there.) But if the proposed 5-302 section is adopted, this reference will no longer be accurate. That's because the proposed 5-302 section concerns Use of Force Reporting, no longer Use of Force Control Options.

Consideration

- The numbering of the new use of force policies should now be accurate, including the cross references between policies in chapter 5-300.

5-305 Force Option- Restraints

[II-C] Checking handcuffs

Feedback

- Police need loosen handcuffs when they are too tight.

Consideration

- The restraints policy requires members to check for proper spacing, and to check the spacing and application again if the person complains of discomfort. Members now have a set of questions they should ask to determine if discomfort should be reported as a complaint of injury, which would make it level 2 reportable force.

5-306 Force Option- Empty Hand Techniques

[II-A-2] Choke holds prohibited- body weight to pin

Feedback

- Instead of putting knee on someone's neck in order to help restrain somebody on the ground why not put knee on shoulder. The neck is more sensitive and the shoulder is normally stronger. Also don't put the knee on the spine but behind the shoulder.

Consideration

- A reminder was added to the empty hand techniques policy that choke holds are prohibited and accordingly, members shall not use their knees or other body parts to pin a person's neck to the ground.

[III] Definitions

Feedback

- Weaponless defense techniques and body weight to pin are open ended and convoluted. They need more definition.
- If you're keeping the crowd back/push away does that get documented?

Consideration

- The definitions for empty hand techniques, including body weight to pin, shove, etc. were updated and expanded.
- Shove is more clearly defined now, and is included in level 1 reportable force. Touch contact is also defined, and is not considered reportable force.

5-307 Force Option- Impact Projectiles and Launchers

[II-D] Conditions for use on a subject and [II-D-3] Target areas

Feedback

- The 40mm can damage organs. When would it be reasonable to use? Is a knife the standard, Molotov cocktails, etc.

Consideration

- Being armed with a knife or similar cutting object and displaying intent to harm could rise to the level of substantial bodily harm in most cases, which would match the conditions for use in the policy if the other policy requirements are also met.
- The Department trains members in the zone system of 40mm targeting. Zone 1 is the preferred target zone, and it includes the pelvic girdle and lower extremities only. Policy prohibits intentionally discharging impact projectiles at certain areas of the body unless deadly force would be authorized.

5-308 Force Option- Hand-Held Chemical Aerosols

Tear gas

Feedback

- We should look at teargas as a weapon under the Geneva Protocol.

Consideration

- MN Statute section 624.731 defines and limits tear gas compounds. Policy and training are very specific regarding the circumstances in which members can deploy their handheld chemical aerosol intermediate weapons. The MPD Training Division trains to the specifications of policy and teaches members to use the Critical Decision-Making Model in deciding whether or not to use chemical aerosols.

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

[II-B-6] Drive-stun mode is prohibited

Feedback

- The use of Drive-Stun should be prohibited, and disabled as a function on all devices.

Consideration

- The new model of conducted energy weapon (CEW) the Department distributed with the new policies is the Taser 10, and it does not have a drive stun mode.

[II-G-1] Probe removal

Feedback

- Probes should only be removed by competent medical personnel, never officers.

Consideration

- The Training Division does not currently train on probe removal, and so all members are trained and directed to contact EMS to conduct probe removal, in accordance with policy 5-309.

Feedback

- Concern over mistakenly drawing a firearm instead of a taser.

Consideration

- Policy requires that the conducted energy weapon (CEW) be holstered on the member's weak (support) side, to avoid the accidental drawing or firing of their firearm.

5-312 Force Option- Firearms

[II-B-5-a] At moving vehicles and [II-B-6] Shooting at a fleeing person

Feedback

- Driving away from the police or resisting arrest is not enough to kill people.

Consideration

- The policy includes a section prohibiting firing at a moving vehicle, except in very limited and specific situations. The policy also prohibits firing at a fleeing person except to counter an imminent threat of death or great bodily harm to the member or another person.

Frequency of training

Feedback

- Police should only be discharging a firearm once a year at training.

Consideration

- The Minnesota Peace Officer Standards and Training board sets qualification requirements and members must train in order to meet the requirements.

5-313 Force Option- Chemical Munitions

Tear gas

Feedback

- We should look at tear gas as a weapon under the Geneva Protocol.
- The 1925 Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or other Gases outlaws the use of tear gas in warfare. The United States ratified that 1925 Protocol fifty years later, in 1975. Why in heavens name would we want to authorize that tactic on the streets of Minneapolis against our own people by simply calling it "riot-control" or "crowd-control"? Shame on the MDHR for assuming this tactic will continue and only trying to regulate its use by requiring Chief of Police approval. Shame on the City Attorney's Office. And shame on every Minneapolis elected official who approves of a police tactic we could not use against our enemies in a war.

Consideration

- MN Statute section 624.731 defines and limits tear gas compounds. Policy and training are very specific regarding the circumstances in which members can deploy their chemical munitions.
- PERF's Rethinking Police Response to Mass Demonstrations: 9 Recommendations helps inform decision-making and planning processes around chemical aerosols and chemical munitions. The MPD SWAT team trains extensively on use conditions for chemical munitions. The entire department has received extensive training on the use conditions and effects of handheld chemical aerosols.

7-350 Emergency Medical Response

[III-A] Assess the situation and [III-B] Acute medical crisis

Feedback

- Regarding medical attention, who is diagnosing on the spot?

Consideration

- Members arriving on scene or encountering an incident are required to 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. Members are then required to provide any necessary medical treatment, including calling emergency medical services (EMS). The crisis intervention policy addresses involuntary holds for mental health challenges.

7-801 Critical Decision Making

Attach the model

Feedback

- Add the model as an exhibit.

Consideration

- A new policy was added to describe the critical decision-making model (P&P 7-801), and an image of the model is included.

Evaluating situations

Feedback

- Police need to evaluate the situation before the act.
- The first action should always be to step back instead of reacting right away to what officers see.
- Police should not treat every situation like a threat.
- Neighborhoods are not warzones.
- Police approach with their hands on their guns, but they have other tools on their belt. They should also be using their mind.

Consideration

- The critical decision-making model is a standardized process to evaluate all situations that members encounter. The goal of the process is to maximize the likelihood of positive outcomes for all involved. A new policy was added to describe the model and how to apply it.
- The de-escalation policy and the crisis intervention policy emphasize taking time to assess the situation in line with the critical decision-making model.
- See also the prohibition on attending “warrior” or “fear-based” training in the training section of this document.

7-802 De-escalation

[II] Duty to de-escalate

Feedback

- Policy should focus on avoiding force, not just minimizing it.

Consideration

- The de-escalation policy emphasizes resolving incidents without the use of force when feasible, and the objectively reasonable section in 5-301 requires that force only be used when necessary.

[III] Avoid escalation and unnecessary risk

Feedback

- De-escalation has to be a two way street. Officers behave well but sometimes people escalate situations themselves.

Consideration

- Members need to focus on their own de-escalation techniques and tactics to calm the situation.

Disengaging

Feedback

- Are there specifics about disengaging and allowing people to disengage?

Consideration

- The section on de-escalation was incorporated into a new policy, P&P 7-802, and includes language about disengaging. The policy on crisis intervention (P&P 7-803) includes language about disengagement, which was expanded and strengthened.

Body language

Feedback

- Cultural communication styles and fear can both impact people's body language. There should be more training on that.

Consideration

- The crisis intervention policy was expanded around recognizing actions that may not be associated with intent to harm. The procedural justice and non-discriminatory policing trainings will include culturally specific training and education. Trainings also include reading the body language of those with whom members interact.

Anxiety

Feedback

- Everybody is anxious. Officers are trained to take you down instead of trying to help you resolve it.
- People fear for their lives when they are pulled over.

Consideration

- The use of force and crisis intervention policies were expanded to recognize that people may have reactions to police that are involuntary, and to describe actions members should take to calm the situation and themselves, including regarding emotions.
- The procedural justice policy includes steps to keep the situation calmer and to explain the encounter.

Techniques and tactics

Feedback

- Command presence, feeling powerful, raising their voice, advisements, warnings. Those are actually escalating- none of that feels like de-escalation.
- Police escalate through pain compliance instead of de-escalating.
- There needs to be one person giving commands instead of multiple officers shouting contradictory commands.

Consideration

- The de-escalation techniques and tactics were updated. Items like command presence were removed. The policy was restructured to emphasize techniques and tactics that can calm the situation. Giving clear commands and affording the person a reasonable opportunity to comply is included, with emphasis on the “clear” commands. Other communication techniques are also emphasized such as talking to the person using a tone of voice and language that is not aggressive or confrontational. Tactics are included such as positioning and additional resources that can also be used to minimize the need for force.
- The procedural justice policy covers more specific steps for the interactions, and the crisis intervention policy includes more specific actions to help calm a crisis situation.
- The new use of force training course includes a broad array of specific de-escalation and communication techniques and tactics.
- The communication techniques in the de-escalation policy and the crisis intervention policy emphasize having one member take the lead in communication.

Rewarding de-escalation

Feedback

- Promotions and other recognition should be based on de-escalation, not arrests or skills with force.

Consideration

- There is a Department award for de-escalation and excellence in tactics.
- Quality reviews by supervisors will be part of the performance evaluation process.

7-803 Crisis Intervention

[II-B-1-c] Situational stressors

Feedback

- Add
 - lack of safe housing
 - previous psychological trauma
 - previous problematic experience with police or other authority figure

Consideration

- All three points were added to situational stressors, with slight modifications to the last two.

[II-B-1-a] Substance misuse or abuse and related symptoms

Feedback

- Police need more training on substance abuse so they can de-escalate crisis situations.

Consideration

- Additional language was added to the crisis intervention policy about how to recognize crisis situations and how to respond, including for people struggling from substance use/abuse.

[II-C-1] Collect and assess information

Feedback

- Police need more information on understanding mental health.
- The police think they have the right to kill someone when maybe that person is having a mental breakdown.

Consideration

- The crisis Intervention policy was expanded to better cover crisis situations and to include more language about recognizing a crisis (including from mental health challenges).
- The crisis intervention policy and the de-escalation policy place heavy emphasis on using the critical decision-making model to use time and assess the situation, including risks, and determine the best course of action.

[II-K] Behavioral crisis response (BCR) teams

Feedback

- People shouldn't be showing up to mental health crises with guns.
- Police should have mental health officers with at all times.

Consideration

- Behavioral crisis response (BCR) teams are dispatched to some situations involving a community member with mental health challenges to try and help avoid a police response. The policy emphasizes de-escalation techniques and tactics when police do respond to ensure force is not their first line of action whenever possible.
- Having mental health officers with police at all times would be prohibitively expensive.

Protected class status

Feedback

- Mental Health/Status should be added to protected class. Considering that mental health and substance use disorders account for much of the disparities in criminal arrests, this needs to be addressed.

Consideration

- Mental health conditions are covered under protected classes when they are classified as a disability. The crisis intervention policy also has expanded language around mental health conditions and how to respond when people are struggling from substance use/abuse.

People with lived experience

Feedback

- Include mental health treatment providers, advocates, and those with lived experiences at the table to address this core issue around community policing policies with stigma and racial discrimination around mental health.

Consideration

- The crisis intervention training incorporates people with lived experiences.



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-301 Force Guiding Principles

(09/08/20) (12/22/20) (03/12/21) (01/01/23) (xx/xx/24)

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

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must act within their authority and their limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The use of force against a community member is a significant action and must be recognized as such. Using force appropriately is critical in building community trust and legitimacy and the ability of officers to partner with communities to promote public safety and officer safety. These policies seek to:

- Recognize people’s humanity, dignity, and civil rights.
- Promote public safety.
- Ensure that officers only engage in nondiscriminatory uses of force.
- Reduce the circumstances in which using force is necessary.
- Promote officer safety.
- Ensure accountability when MPD officers use force that is inconsistent with law or policy.
- Build public confidence that officers are acting consistently with law enforcement objectives, community needs and values, and in the interest of public safety.
- Facilitate compliance with the law. [In the settlement agreement]

Commented [MPD1]: This paragraph duplicates some of the third block, and includes language authorizing force, but without all of the requirements and explanations later. This block was not included.

Commented [MPD2]: Added this language to the purpose.

Commented [MPD3]: Added this to the list.

II. Force Guiding Principles

Consider the language of the Seattle Model Use of Force Policy, page 3. <https://www.seattle.gov/a/128834>

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. In serving the public, officers must make every effort to preserve and protect human life. Officers must respect and uphold the dignity of all persons and use their authority in a bias-free manner.

Commented [MPD4]: MPD developed new language, with a strengthening addition made. This proposed language was not used. The important language about bias is part of a different principle.

B. Objectively Reasonable, Necessary and Proportional Force

Officers ~~shall~~ **must** only use force consistent with the 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.~~ **Officers must use the least amount of physical force that is necessary, reasonable and proportional to safely achieve the legitimate law enforcement objective under the circumstances.** This includes modulating or discontinuing the use of force as the threat subsides or when a person is **in compliance or restrained.** (see [V-A])

Commented [MPD5]: These changes are resolved by the reorganization of the principles. MPD is trying to get away from the term "amount" and also the term "physical force."

C. Consider Vulnerable Populations When Using Force

Consider the characteristics and conditions of vulnerable individuals including children, elderly persons, pregnant women, limited English proficient speakers and individuals demonstrating mental, behavioral, physical, cognitive disabilities or vision or hearing impairments when determining the appropriate and least amount of physical force possible to effect a lawful purpose.

Commented [MPD6]: Used this change and added the principle of "Consider Vulnerable Populations."

D. Affirmative Duty to De-escalate

Officers have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics **except** when **not** feasible, to minimize the need to use force, resolve incidents without the use of force when feasible, and increase the likelihood of voluntary compliance with legitimate and lawful orders. (see [V-D])

Commented [MPD7]: Incorporated this block into the principle.

Commented [MPD8]: Did not use the term "Affirmative" as the language of "Duty to" covers that.

Commented [MPD9]: Did not incorporate the double negative, but it was changed to "whenever" feasible.

E. Duty to Intervene and Duty to Report Misconduct

~~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 [V-E])~~

Commented [MPD10]: These were kept as separate principles. They have different requirements and point to different policies, and have more strength as separate principles.

If witnessing another officer engage in or attempt to engage in excessive use of force, prohibited techniques, force that is discriminatory, not objectively reasonable, or otherwise violates law or policy or failure to de-escalate, officers must intervene when in a position to do so to end or prevent the further use of excessive force. (see [V-E])

Commented [MPD11]: The reorganization of the principles pulled the SA/State language into the principle. Did not use the suggested language here as it is different from the SA/State.

Officers who witness misconduct committed by another officer or who had a good faith reasonable belief that another officer committed misconduct, including any prohibited or unreasonable force, or failed to de-escalate when feasible must report such misconduct to the witnessing officer's supervisor or other command staff.

Commented [MPD12]: The Duty to Report uses different language and a different process than is stated here to help ensure the proper processes are followed and track reporting for accountability.

Officers who witness misconduct are required to participate in any investigations into that misconduct.

Commented [MPD13]: This is not force-specific and is part of other Internal Affairs related processes and policies. It is more appropriate in those sections.

F. Promote Trust, and Show Respect and Dignity

Officers ~~shall~~ **must** act at all times in a manner that promotes trust between MPD and the communities it serves, with a high degree of ethics, professionalism, and respect for the public and the dignity of all people, and without discrimination or prejudice. ~~Following the force guiding principles is critical in building that trust.~~ **A commitment to and demonstration of Force Guiding Principles is critical to building trust within all communities.** (see P&P 5-102, P&P 5-103 and P&P 5-104)

Commented [MPD14]: Changed the MPD language to incorporate the first part of this. The last part is already stated in the paragraph.

G. Recognize Health and Wellness

The MPD and officers shall recognize that officer must act to maintain their health and wellness is integral to officers responding in order to respond effectively and lawfully in all situations, including high-stress situations. A healthy employee is better equipped to apply the critical decision-making model and work to achieve outcomes that build community trust and uphold MPD's guiding principles.
(see P&P 3-500)

Commented [MPD15]: The onus in this principle is on the Department to recognize the health and wellness of its members. Other policies do focus on the responsibility of members for maintaining their health and wellness.

Commented [MPD16]: Added this.

H. Avoid Unnecessary Risk of Injury

~~Officers shall use force~~ Any use of force must be in a manner that avoids unnecessary injury or risk of injury to community members individuals and officers.
(see [V-F])

Commented [MPD17]: This block was removed in the reorganization of the principles.

I. Affirmative Duty to Render Medical Aid

At the earliest safe opportunity, officers must request medical assistance and provide appropriate first aid at the level of their training to injured individuals.

Commented [MPD18]: Added this as a principle as the Duty to Provide Medical Treatment.

Commented [MPD19]: Used existing MPD language for this principle.

J. Identify Self and Warn of Intent

Officers shall must identify themselves as a law enforcement officers and, feasible, clearly and precisely warn of their intent to use force unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm. The warning must include what the subject must do or stop doing to avoid the use of force. Only one officer should issue commands.
(see [IV-A-3], [IV-B-4] and [V-G])

Commented [MPD20]: Added this.

Commented [MPD21]: Kept the use of feasibility from the SA.

Commented [MPD22]: This language is a little closer to threats or coercion (even though the line is a fine one). Did not include this.

K. Retaliation and Punishment Prohibited

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

Commented [MPD23]: This is part of the updated De-escalation language.

L. ~~Duty to Report Misconduct~~

~~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)~~

M. Report Force

Officers shall must accurately and completely report all reportable force used and all reportable observations of force.
(see [V-K])

N. ~~Hold Officers Accountable~~

~~All MPD employees shall ensure that officers are held accountable for use of force that is discriminatory, not objectively reasonable, or otherwise violates law or policy.
(see [V-M])~~

Commented [MPD24]: Kept this as a separate principle that was renamed "Accountability."

III. Definitions/Expectations

Critical Decision-Making Model: The critical decision-making model is a thought organization

tool that allows officers to organize situational factors and inform decisions as they encounter and manage police incidents of all levels of complexity. The model is a five-step circular, not linear, critical thinking process. All five steps are built around the core values of the policing profession. An ethical core is at the center of the Model. All officers are must be trained and demonstrate proficiency in the use of using the Critical Decision-Making Model.

Commented [MPD25]: This is covered by the new CDM policy.

Commented [MPD26]: MPD is trying to avoid policy statements within definitions.

~~**De-escalation:** Taking action or communicating verbally or non-verbally 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 positioning.~~

Seattle language

De-escalation tactics refer to actions used by an officer that are intended to slow down the pace of an event and minimize the likelihood of the need to use physical force while increasing the likelihood of a positive outcome. When possible, officers must use all de-escalation tactics that are available and appropriate under the circumstances before using any physical force.

Commented [MPD27]: MPD used a very similar definition primarily based on California's state law.

Commented [MPD28]: MPD is trying to avoid policy statements within definitions.

Deadly Force: 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." (MN Statute section 609.066)

Disengagement:

Tactical disengagement: Tactical 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.

Physical disengagement: When physically engaged with a subject, disengagement is breaking contact or physically creating space between the officer and the subject to allow for reassessment of the situation.

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, neck restraints, or other prohibited techniques that inhibit breathing or circulation.

Commented [MPD29]: MPD is trying to avoid using policy statements in definitions and would want to avoid a partial definition of neck restraint here. This prohibition is more fully covered elsewhere.

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

Flight: ~~Is~~ An effort by the subject to avoid arrest or capture through actions such as running, biking or driving away.

Commented [MPD30]: This is a clearer phrasing, and was incorporated.

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.

Imminent Threat: A threat is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause harm. An imminent harm is not merely a fear of future harm, no matter how great the fear, and no matter how great the likelihood of harm, but is one that, from appearances, must be instantly confronted and addressed.

Intermediate Weapon: Intermediate weapons are less lethal weapons not intended to cause death or serious physical injury but only to temporarily incapacitate and are not empty hand techniques. These include CEWs, chemical aerosols, chemical munitions, impact projectiles, and impact weapons.

Commented [MPD31]: The purpose of using the term "intermediate weapon" is to avoid the term "less lethal." The term "less lethal" does not encompass non-lethal and some "less-lethal" can be lethal, so "intermediate" seemed like a better fit.

Less Lethal Munitions: "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.

Commented [MPD32]: This doesn't necessarily apply to all, some might not incapacitate.

Commented [MPD33]: This is not a term used in this policy. Munitions are defined within the applicable policies.

Less lethal weapon: Any apprehension or restraint device approved for carry, which when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. (Denver PD policy)

Commented [MPD34]: Intermediate weapon was used instead.

Objectively Reasonable Force: The degree level and type of force that would be considered rational and logical to an "objective" a reasonable officer on the scene to effect a lawful purpose, supported by facts and the totality of the circumstances known to an officer at the time force was used.

Commented [MPD35]: MPD is only using the term "level" for solid categories such as reportable force. The degree of force used and other factors can cause the same technique or tool to become a different "level."

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

Commented [MPD36]: Used this instead of "an objective."

Commented [MPD37]: Stated a more specific purpose.

Restrain: Restrain or restrain refers to an officer's use of force to physically restrict the free movement of a person's body.

Commented [MPD38]: Added the term totality of the circumstances.

Commented [MPD39]: Made this change.

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.

The following are examples that are frequently misidentified as resistance absent additional actions include:

Commented [MPD40]: These are excellent training points. They were not included in the policy definition as they can sometimes be used/done while the person is actually resisting or threatening harm.

- Use of language or gestures that express anger or frustration or are insulting but not an actual threat of action.
- Challenging the legality of an officer's commands or actions, threatening lawsuit, threatening to file a complaint/grievance.
- Demanding the officer identify themselves.
- Turning to walk away when detained (From 19-15234 CL vs Grossman 3-2-2020. If someone turns to walk away, the appropriate response would be to command them to stop, not immediately move into using force.)
- Recording the officer.
- Refusal to answer questions - both about what the person was doing but also about who they are.
- Refusal to produce a physical ID document (except the driver's requirement to produce a DL during a traffic stop).
- Normal, predictable responses to pain compliance techniques or other uses of force. (From 19-15234 CL vs Grossman 3-2-2020)
- Failure to follow commands not backed up by specific laws or powers. (Not lawful commands)
- Tensing (muscle tightening).

Passive Resistance: The subject is not complying with an officer's commands and is uncooperative but is taking only minimal 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").
- Verbal non-compliance: ~~Using language that signals~~ **Making specific statements that indicate** an intention to avoid or prevent being taken into custody but does not signal an intent to cause physical harm.

Commented [MPD41]: Kept the proposed MPD language as the verbal indications can be tied to physical actions that convey the intention, and the term "specific statements" does not capture the way people interact with officers and each other.

Active Resistance: The subject's 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 **after being clearly informed they are being detained or are under arrest.**
- Forcefully resisting the officer's grip.
- Holding onto a fixed object in a situation other than a protest or demonstration (P&P 7-805).

Commented [MPD42]: Very good addition. Excellent clarification. This was incorporated.

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.~~ **Clenching and raising fists into a boxer pose or substantially similar.**
- Punching, kicking, striking.
- Taking other actions which present an imminent threat of physical harm to the officer or another.

Commented [MPD43]: Used this as an example of a fighting stance.

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 **within arm's length.**
- Extreme physical force.

Commented [MPD44]: This is a situational factor, but applying this universally would not align with current training about the reactionary gap (ICAT, PERF).

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.

Tactical Positioning: An officer's attempts to place themselves in the best tactical position possible to reduce officer-induced jeopardy, plan for contingencies, and allow for implementation of the critical decision-making model.

Totality of the Circumstances: All factors known or perceived by the officer leading up to and at the time of the incident, including the actions of the subject against whom the officer uses force and the actions of the officer. Totality of Circumstances is judged by what a reasonable officer would do in the same or similar **situation.**

Commented [MPD45]: MPD used a more general definition that can be applied beyond just uses of force.

The totality of circumstances in the decision to use force is heavily impacted by the "Graham Factors" - **the severity of the crime/offense at issue, whether the subject poses an immediate threat**

Commented [MPD46]: MPD is not citing court cases around force, as MN Law, MPD policy, SA requirements, etc. go beyond the case language, and officers are not always exposed to the full context of the court case.

to the safety of the officer or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

Other factors may include prior law enforcement contacts with the subject or location; the number of officers versus the number of subjects; age, size, and relative strength of the subject versus the officer; specialized knowledge, skill or abilities of the officer; injury or level of exhaustion of the officer; whether the subject appears to be affected by mental illness or under the influence of alcohol or other drugs; environmental factors such as lighting, terrain, radio communications, and crowd-related issues; and the subject's proximity to potential weapons.

Use of Force: An intentional, direct or indirect, contact with someone's body that causes pain or injury or restricts someone's movement. Intentionally placing someone in fear of such contact, or threatening such contact, can also constitute 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 restriction or physical manipulation of the physical movement of another.
- Unholstering or displaying a weapon, or pointing a weapon, when engaged with a subject or subjects.

IV. Policy

A. Legal Standards

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. Graham vs. Connor:

The US Supreme Court decision in the case of Graham vs. Connor and subsequent cases have established that an officer's right to make an arrest or investigatory stop carries with it the right to use physical coercion or the threat thereof to effect it. An officer's use of force is considered a seizure under the 4th Amendment.

Per Graham: "The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime, ...whether the suspect poses an immediate threat to the safety of the officer or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight."

3. Tennessee vs. Garner:

The US Supreme Court decision in the case of Tennessee vs. Garner established that the 4th

Commented [MPD47]: MPD is not citing court cases around force, as MN Law, MPD policy, SA requirements, etc. go beyond the case language, and officers are not always exposed to the full context of the court case.

Amendment does not allow the use of deadly force solely to stop a fleeing felon absent other factors. Deadly force may not be used solely to prevent the escape of a fleeing suspect. (Department of Justice Policy on Use of Force, May 20, 2022)

4. 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.” [Emphasis added]

Commented [MPD48]: The legal authority section is a foundation, but the emphasis is on the sections about objectively reasonable, *necessary and proportional*.

5. Arrest authority

When making an arrest, officers ~~shall~~ **must** verbally announce the arrest to the subject, ~~when feasible,~~ **unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm**, 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. (From LAPD Use of Force policy)*****

Commented [MPD49]: This section was combined with the identify self and warn of intent portion so that the arrest authority section could remain a foundation.

a. When force may be used to make an arrest

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 must use the least amount of force necessary**. The officer may not use deadly force unless authorized to do so under section 609.066. Such force ~~shall~~ **must** be consistent with all sections in P&P 5-300. (MN Statute section 629.33)

Commented [MPD50]: Combined the following language about minimum restraint with this paragraph.

b. Minimum restraint allowed for arrest

An officer making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention. (MN Statute section 629.32)

c. Inform subject about warrant

When making an arrest pursuant to a warrant, the officer ~~shall~~ **must** inform the subject that the officer is acting under a warrant, and ~~shall~~ **must** 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. (MN Statute section 629.32)

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

6. State requirement for policy

The MPD must establish and enforce a written policy governing the use of force, including deadly force. ~~The MPD must also establish and enforce a written policy regarding~~ ~~and state-mandated pre-service and in-service training in the use of force for all sworn MPD employees, in accordance with MN Statute section 626.8452.~~

Commented [MPD51]: This part was removed as it not in the statute, and is also covered by the Training section of the policy.

This policy is to be reviewed annually, ~~posted on the City's website and the public must be given adequate opportunity for input.~~

Commented [MPD52]: This is the process, but applies to too many policies to incorporate into each one.

B. Authorized Use of Deadly Force

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 (MN Statute section 629.066 Subd. 2):
 - 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~~ **must** 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] (MN Statute section 629.066 Subd. 2).
3. Before using deadly force, officers ~~shall~~ **must** first consider all reasonably safe ~~and feasible~~ alternatives (MN Statute section 626.8452 Subd. 1a).

Warn of intent:

4. Officers ~~shall~~ **must** identify themselves as a law enforcement officers and, ~~feasible,~~ **clearly and precisely** warn of their intent to use force **unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm. The warning must include what the subject must do or stop doing to avoid the use of force. Only one officer should issue commands.**

Commented [MPD53]: This warn of intent section was from POST, but was taken out of there as it is fully covered by the warn of intent principle (and is not from the deadly force statute).

V. Procedures/Regulations

A. Objectively Reasonable, Necessary and Proportional Force

Officers ~~shall~~ **must** 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 ~~a third~~ **another** person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape, consistent with the following provisions:

Commented [MPD54]: Good change. Incorporated.

1. Objectively reasonable

a. Officers ~~shall~~ **must** 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 the 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 on the person.
- v. The mental health or medical conditions of the person.
- vi. The age, condition, or disability of the person.
- vii. **The ability of the subject to understand and communicate.**
- viii. The time available to an officer to make a decision.
- ix. **The availability of feasible less intrusive options.** (LAPD Use of Force policy)
- x. The person's proximity or access to weapons.
- xi. The risk to bystanders or others from the use of force.
- xii. The location, time of day, and other physical circumstances.
- xiii. Other exigent circumstances.

Commented [MPD55]: Added this and included examples.

Commented [MPD56]: Did not include this as it seems to relate more to the elements of necessary and proportional.

b. The decision by an officer to use force ~~shall~~ **must** 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~~ **must** account for occasions when officers may be forced to make quick judgments about using such force. (May be redundant in light of the opening statement)

2. Necessary

Officers ~~shall~~ **must** use the lowest degree of force in accordance with policy and law.

a. Force may be considered necessary **only** when a **reasonably effective alternative to the use of force does not appear to exist or when** lower degrees of force or

Commented [MPD57]: Included this.

alternatives to force did not work, would not work, were not feasible or were too unsafe to attempt.

- b. Lower degrees of force ~~are~~ generally ~~are~~ intended to, and have a lower probability of causing injury or incapacitation, based on the type used and manner in which it was used.
- c. Officers ~~shall~~ **must** continually assess the necessity of the use of force, **the level of force applied**, and whether alternatives ~~may be employed such as the including use of~~ de-escalation techniques, **can be used**. Officers **must immediately move to the lowest level of force practicable**.

Commented [MPD58]: Expanded this section to add context and reference modulating or discontinuing force.

3. Proportional

Officers ~~shall~~ **must** only use force that is proportional to the threat, **severity of the suspected crime**, actions, and level of resistance offered by a person.

Commented [MPD59]: MPD has concerns about adding that under "proportional" as it might imply a higher level offense makes higher degrees of force proportional automatically. Severity of the crime is part of the objective reasonableness list above. Did not include it here.

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 degree of force that may be necessary to overcome it.

b. Modulate or discontinue force

When or if the person offers less resistance, officers ~~shall~~ **must** modulate or discontinue the degree or type of force accordingly.

4. People who are restrained

Physical force ~~shall~~ **must** not be used against a person who is handcuffed or otherwise restrained, except as objectively reasonable to prevent their escape, maintain control, or to prevent imminent physical harm to the subject, the officer, or another person. In these situations, only the degree of force necessary to control the situation ~~shall~~ **must** be used. Force used against a handcuffed or otherwise restrained person ~~shall~~ **will** be viewed with increased scrutiny when determining reasonableness.

5. Document the circumstances

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

B. Consistent with Policy

Just because force is legally justified does not automatically mean that using force or the degree 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. See the prohibitions in P&P 5-304 and the specific restrictions in the control options policies.

C. Calibrate to accommodate

In accordance with P&P 7-809 and the De-escalation portion of this policy ([V-D]), officers ~~shall~~ **must** reasonably account for and calibrate force practices when interacting with specific

populations as described below. However, officers' assessment of the below factors ~~shall~~ **must** not be impacted by a person's race or ethnicity, national origin, sex, gender, gender identity, religion, or a person's status with regard to public assistance.

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

Commented [MPD60]: This is more general and is a component of procedural justice, de-escalation and crisis intervention. It is in the section on minors in this policy to emphasize that it can be especially relevant for that population.

2. Officers must account for any fear-based reactions individuals may experience during an encounter which may manifest as aggression, defensiveness, defiance, or **flight**.

Commented [MPD61]: This was included more specifically for minors. It can be applied to others as well, but is not as directly specific to the other populations in this section.

3. Special decision-making considerations

As with all situations, officers should implement the steps of the critical decision-making model to inform their actions. Officers should consider which force options might be the most objectively reasonable, necessary and proportional, and if no exigency or immediate safety risk exists, they should slow down and consider other reasonable solutions including negotiation, ~~de-escalation~~, commands, **summoning additional resources**, or ~~physical skills~~ **moving to a safer position**.

Commented [MPD62]: Added this earlier in the paragraph. Additional resources and safer position are also part of de-escalation techniques and tactics.

a. Ability to understand or comply

Officers ~~shall~~ **must** exercise special care when interacting with people with apparent physical, mental health, developmental, or intellectual disabilities or conditions, as a person's condition may affect the person's ability to understand or comply with commands from officers. Barriers can also affect a person's ability to understand commands.

b. Ability **Vulnerability** of subject to ~~cause~~ physical harm or likelihood of injury

Commented [MPD63]: Kept "ability to cause harm" but also added vulnerability of the person to injury.

Before using force on someone who is a young juvenile, obviously pregnant, elderly, or frail, or has another apparent physical condition limiting their ability to cause physical harm, officers ~~shall~~ **must** take into account individualized factors of the person including:

- Apparent age.
- Body size.
- Strength relative to the officer.
- Known or perceived disabilities **or medical conditions**.
- ~~Apparent ability to cause physical harm.~~
- ~~Other risks posed by the person.~~

Commented [MPD64]: Added "conditions."

4. Juveniles

a. De-escalation and juveniles

i. **Unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm** ~~When feasible~~, officers ~~shall~~ **must** employ developmentally appropriate and trauma-informed de-escalation and communication tactics with juveniles including, but not limited to:

Commented [MPD65]: Expanded the proposed MPD language to clarify that this section has the same requirement as other situations for de-escalation, and that other policies on minors also apply.

- Using a calm and measured tone, and a neutral demeanor.
- Using simple and concrete language and direct phrases.

- Avoiding threatening language.
- ii. Officers ~~may~~ **should** use repetition in a clear voice to reinforce instructions. ~~When appropriate, Officers will allow time for the juvenile to comply with instructions.~~
- iii. Officers should avoid using 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~~ **must** 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, to diffuse tension and anxiety while maintaining safety.

Commented [MPD66]: Repetition may not always be appropriate.

b. Individualized factors for juveniles

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

- i. If force is necessary, officers ~~shall~~ **must** take into account individualized factors of the juvenile ~~including:~~
 - **Developmental stage and maturity level.**
 - Apparent age.
 - Body size.
 - Strength relative to the officer.
 - Known or perceived disabilities **or medical conditions.**
 - ~~Apparent ability to cause physical harm.~~
 - ~~Other risks posed by the juvenile.~~
- ii. Officers ~~shall~~ **must** consider whether a juvenile may be noncompliant due to factors such as a mental health or medical condition, **developmental disability**, behavioral health challenges, physical or hearing impairment, language barrier, drug or alcohol use, or a crisis situation (P&P 7-809).

Commented [MPD67]: This section was removed as it was duplicative of the other list of factors for vulnerable populations.

Commented [MPD68]: Removed this section and expanded/clarified the above sections to avoid duplication. Developmental disability was added to the introductory list.

c. Juveniles injured by use of force

- i. If a juvenile is injured by an officer's use of force, officers ~~shall~~ **must** take immediate steps to provide medical attention ([V-H] and P&P 7-350).
- ii. Officers ~~shall~~ **must** notify the minor's parent, guardian, or other responsible adult of the injury as soon as feasible.

D. De-escalation

- 1. As with all situations, officers should implement the steps of the critical decision-making

model to inform their actions. When all of the reasonably known circumstances indicate it is safe and feasible to do so, officers ~~shall~~ **must**:

- 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 whether the subject may be noncompliant due to factors such as a mental health or medical condition, **developmental disability**, behavioral health challenges, physical or hearing impairment, language barrier, drug or alcohol use, or a crisis situation (P&P 7-809).

2. De-escalation tactics include, but are not limited to:

- Using clear instructions and verbal **persuasion**.
- Designating one officer to communicate to avoid competing and confusing **commands**.
- Employing verbal and non-verbal communication techniques to calm (regulating tone and pitch; speaking slowly in a calm voice; reducing sensory distractions such as bright/flashing lights, sirens and other loud noises; using non-aggressive stance and body language; minimizing hand **gestures**).
- Exhibiting patience to provide as much time as needed to resolve the **incident**.
- Clearly explaining officer actions and **expectations**.
- Listening to the person's questions and concerns and responding **respectfully**.
- Being neutral and fair in making **decisions**.
- Requesting additional **resources such as the mental health crisis team, specialty** 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 a subject and an officer.
- Attempting to isolate the subject and contain the scene.
- Minimizing risk from a potential threat using distance, cover or concealment.
- Considering tactical positioning to optimize the reactionary gap.
- Using the critical decision-making model to reevaluate force options and consider legal authority to act.
- Tactical or physical disengagement.

3. An officer ~~shall~~ **must** use de-escalation techniques and other alternatives to higher degrees of force consistent with their training whenever feasible ~~and appropriate~~ before resorting to force and to reduce the need for force **and potential injuries**.

4. Prior to using force, officers ~~shall~~ **must** 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~~

Commented [MPD69]: Added a version of this.

Commented [MPD70]: Added a version of this.

Commented [MPD71]: Added some of this. Some is part of procedural justice, and some is specifically called out in the crisis intervention policy.

Commented [MPD72]: Patience was added to the introduction of techniques and tactics and a foundation of de-escalation.

Commented [MPD73]: Added a version of this.

Commented [MPD74]: Added a version of this.

Commented [MPD75]: This is a part of the procedural justice policy.

Commented [MPD76]: Added a version of this.

Commented [MPD77]: "Before resorting to force" and "to reduce the need for force" cover this.

~~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 **must** allow a person time and opportunity to comply with verbal commands before force is used.~~

E. **Affirmative Duty to Intervene**

1. Officers have an obligation to protect the public and other employees.
2. Regardless of tenure or rank, any officer 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 of the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.
3. Any officer who is aware of the use of prohibited force, or inappropriate or unreasonable force (including applying force when it is no longer required), must report this use of force. Failure to do so may result in discipline.
4. Any officer who is present during the use of prohibited force, or inappropriate or unreasonable force (including applying force when it is no longer required), or is aware of such use of force must cooperate with any investigation into the incident.

Commented [MPD78]: Did not include "Affirmative" as the "Duty to" covers this.

Commented [MPD79]: This is part of reporting and not the duty to intervene.

Commented [MPD80]: This is not force-specific and is part of other Internal Affairs related processes and policies. It is more appropriate in those sections.

F. **Officers' Actions Leading to Unnecessary Risk**

An officer's conduct or actions may influence the degree level 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. The sanctity of life should be the guiding principle for officers, and they should attempt to reduce the likelihood of a deadly force encounter or any other use of force as much as possible.

Commented [MPD81]: This block was removed. Language about the sanctity of life and deadly force as a last resort is incorporated/expanded elsewhere.

1. Officers ~~shall~~ **must** use tactical positioning, other sound tactics and other available options during encounters to maximize the likelihood that they can safely control the situation.
2. Officers ~~shall~~ **must** 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 people.
3. 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.

G. **Warn of Intent to Use Force**

Prior to using force, officers ~~shall~~ **must** provide oral warnings indicating that they intend to use force unless the person submits to their authority, ~~when it is safe and feasible to do so.~~ unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm.

1. The officer must have a reasonable basis for believing the warning was heard and understood by the subject.

Commented [MPD82]: Kept the use of feasibility from the SA.

Commented [MPD83]: If force is necessary (per the other sections in the policy), there may not be time available for this statement.

2. ~~The officer~~ Officers shall **must** allow a reasonable amount of time for a person to comply with a warning, ~~when feasible to do so.~~
3. The warning shall **must** only occur in situations that an officer reasonably believes may result in the authorized use of force.
4. This policy shall **must** not be construed to authorize unnecessarily harsh language.

~~H. Medical Treatment and Use of Force~~ **Affirmative Duty to Render Medical Aid**

Any officer, **at the earliest safe opportunity**, ~~who uses force shall must, 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 **must** render medical aid consistent with **current training and reflects best practices**, 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.

Commented [MPD84]: Kept as soon as reasonably practical.

Commented [MPD85]: Added "current". Members can apply training but cannot make on-scene determinations about what reflects best practices.

~~I. No Retaliation, Punishment or Coercion~~ **Prohibited**

Force, or the threat of force, shall **must** 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.
- Assaulting an officer.
- Engaging in a lawful protest or demonstration.
- Lawfully photographing or filming an officer (P&P 9-204202).

Commented [MPD86]: Changed to "Prohibition on."

~~J. No Retaliation Against Employees~~ **Prohibited**

In accordance with P&P 2-106, employees shall **must** not retaliate against any employee for fulfilling their **duty to report, intervene or cooperate in an investigation**.

Commented [MPD87]: This is covered by Internal Affairs related policies and is not force specific.

K. Report Required

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

L. Training

1. All officers shall **must** 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 **must** 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~~ **must** 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~~ **must** continue on an annual basis.
4. Before carrying an authorized device, all officers ~~shall~~ **must** 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~~ **must** continue on an annual basis.
5. The Chief of Police ~~shall~~ **must** ensure that the MPD maintains records of the MPD's compliance with use of force training requirements.

M. Accountability

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

N. Transfer of Custody

Prior to transferring custody of a subject that force was used upon, officers ~~shall~~ **must** verbally notify the receiving agency or employee of the following:

- The type of force used.
- Any injuries or alleged injuries sustained.
- Any medical aid rendered.
- 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.

O. Policy Application

This policy (P&P 5-301) applies to all licensed peace officers engaged in the discharge of official duties.



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

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 less-lethal~~ 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~~

Commented [MPD1]: MPD included the term "intermediate weapons."

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.

Commented [MPD2]: Kept this language in, as a person in crisis could be the focus of law enforcement without being a potential suspect.

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. **Level 2 force also includes the pointing of a deadly force weapon.** See the reporting requirements for included types.

Commented [MPD3]: This has not been moved to a level 2. However, there are additional notifications and reviews incorporated for level 1 reportable uses of force.

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, suspected fracture, suspected concussion or other wound identified on a person, or anything beyond temporary pain.

Commented [MPD4]: Added this.

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

Remove the word "temporary" as there is no way for the officer to know the nature of the pain or how long it will last.

Commented [MPD5]: Removed tis per the suggestion, and added additional explanation to clarify the end of the sentence.

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 **must** 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 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. Reporting Requirements

A. No Reporting Required

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 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, using a CEW to conduct a warning arc, or 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.).
- Weaponless strikes other than strikes to the head or neck.
- Weaponless defense techniques such as push-aways and holds.
- Body weight to pin.
- Control pressure.
- Takedowns (including leg sweeps and vehicle extractions to the ground).
- 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.

Commented [MPD6]: This remained in level 1 to match the SA. Supervisors wouldn't have to respond to the scene and take photos, but an additional type of review was added for firearm pointing that does specifically require a review of BWC to ensure de-escalation techniques and tactics were used and the force was objectively reasonable, necessary, and proportional.

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

- ~~a. 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. 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.~~

Commented [MPD7]: This remained in level 1.

2. 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 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. Level 2 types of force include:

- **Displaying or pointing a firearm when engaged with a subject.**
- Discharge of an MPD-authorized chemical aerosol.
- Deployment of a CEW or application of a CEW in drive-stun mode.
- Weaponless strikes to the head or neck if the person'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 against a handcuffed person (see section [E] for additional requirements).
- Maximal restraint device.

- Use of any other intermediate weapon.
- 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.

Commented [MPD8]: This remained in level 1 to match the SA. Supervisors wouldn't have to respond to the scene and take photos, but an additional type of review was added for firearm pointing that does specifically require a review of BWC to ensure de-escalation techniques and tactics were used and the force was objectively reasonable, necessary, and proportional.

2. Reporting firearm display and pointing for specific tactical operations

- a. An officer engaged in the execution of a building search warrant or engaged in an Operation 100 ~~shall~~ **must** 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. 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.

3. 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 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’s head is near a hard surface.
- Any force that causes injury resulting in admission to a 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~~ **must** 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~~ **must** be documented in a Narrative Text.
- b. The application of handcuffs ~~shall~~ **must** 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~~ **must** 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~~ **must** 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 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~~ **must** be provided in accordance with P&P 7-350 and the handcuff use ~~shall~~ **must** 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~~ **must** still enter a Narrative Text for the incident and describe their actions.
 - ii. The incident commander ~~shall~~ **must** 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~~ **must** record the application of handcuffs on the Entity form and ~~shall~~ **must** 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

If an officer uses strikes or an intermediate weapon against a handcuffed subject, the officer ~~shall~~ **must** remain on scene and ~~shall~~ **must** notify an on-duty supervisor by phone or radio as soon as possible so the supervisor can respond to the scene.

2. Supervisor response

a. Respond to the scene

The supervisor ~~shall~~ **must** 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~~ **must** 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~~ **must** be notified directly by phone.

3. Watch Commander response

The Watch Commander ~~shall~~ **must** respond to the incident scene to gather information from the supervisor, observe the force subject and document any injuries, and ~~shall~~ **must** 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~~ **must** 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~~ **must** respond to the hospital to complete their required steps.

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

If a person in custody suffers an injury or an illness, or aggravates a pre-existing injury, not due to force used, the officer ~~shall~~ **must** document it through a Narrative Text, and ~~shall~~ **must** 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~~ **must** 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~~ **must** 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 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 who used force ~~shall~~ **must** 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~~ **must** 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~~ **must** also complete the de-escalation section in the Use of Force details page.

E. Force Reporting Timeliness

In Critical Incidents, Force Reporting ~~shall~~ **must** 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~~ **must** be completed at the same time as the required Police Report. In all other cases, all required Force Reporting ~~shall~~ **must** 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~~ **must** 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~~ **must** accurately and thoroughly describe the use of force in their Narrative Text. The officer who observed the force ~~shall~~ **must** also complete required fields in the Use of Force details page.

DRAFT



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-303 Use of Force Review

(02/08/24) (~~xx/xx/24~~)

Revisions to prior policies: (10/16/02) (08/17/07) (12/15/09) (04/16/12) (09/08/20) (12/22/20) (03/12/21) (01/01/23)

I. Purpose

Supervisors play a critical role in promoting the humanity, dignity, and civil rights of people, 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. 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.

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 officer 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.

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.

III. Policy

- A. All level 2 and level 3 reportable uses of force, other than critical incidents (P&P 7-810), 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 (SFR)

1. Supervisor Force Review purpose

The purposes of a Supervisor Force Review (SFR) 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 a supervisor uses force that requires a supervisor notification per policy, they shall not conduct any Supervisor Force Review for any other officers at the scene.
- b. If a person 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.
- c. Any other supervisor of any rank who did not use or witness such force or have custody shall conduct the Supervisor Force Reviews.
- d. 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 responding supervisor who is notified of and responds to a level 2 or level 3 use of force or In-Custody Injury or Illness incident by any officer 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 officers 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 officers on scene during the incident. This includes identifying which officers were involved in the use of force, which officers were witnesses to the use of force, and which officers were otherwise on scene.
 - ii. Debrief the officers who engaged in the use of force.
 - iii. Note any reported injury or alleged injury to any person involved.
 - iv. Note any medical aid/EMS rendered to any person involved, and take reasonable steps to offer officers 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.

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 person solely about the reportable use of force.
 - ix. Inspect and photograph the force subject, if they consent.

If the person consents, the responding supervisor shall visually inspect the force subject and document and photograph any injuries observed.
 - x. Photograph the immediate area of the force event, and damage to equipment or uniforms caused by the force event.
 - xi. Photograph any other person involved in the force event, if they consent, including any injuries sustained.
 - xii. 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 document their identities in the report.
 - xiii. Obtain statements from witnesses who consent to an interview, and include the statements in the report.
 - xiv. Obtain statements from officers who witnessed the use of force, and include the statements in the report.

- xv. Review all officers’ reports and supplements related to the use of force or injury incident for completeness and accuracy.
 - xvi. Determine if the force used was reasonable or unreasonable, or if it appears to constitute possible misconduct. The supervisor shall contact the Internal Affairs Commander immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct.
 - xvii. 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 officers 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 officer, refer the officer 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. **The feedback provided does not preclude the potential for discipline after investigation by Internal Affairs nor does it preclude action by the CCPO Civil Rights Department on a community member complaint based on the incident.**
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

Commented [MPD1]: The sections were separated in the policy, which should address some of this.

- 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), reviewing 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 officer 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.
- c. Supervisors cannot complete a Secondary Force Review of their own SFR.
- d. Supervisors cannot complete a Secondary Force Review of an SFR of their own use of force, or any use of force they participated in or witnessed.

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 officer 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 or notifications.

6. Provide timely feedback

- a. The secondary reviewer shall provide timely feedback for growth and improvement, where appropriate, to the officer who engaged in the reportable use of force, the officer'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, and shall report the incident to Internal Affairs for investigation if it has not already been reported. The feedback provided does not preclude the potential for discipline after investigation by Internal Affairs nor does it preclude action by the CCPO or Civil Rights Department on a community member complaint 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

Commented [MPD2]: The sections were separated in the policy, which should address some of this.

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. Nothing in this provision precludes the subject of the force or a witness from filing a complaint with Internal Affairs, CCPO or the Civil Rights Department or the adjudication of a subject or witness complaint.

C. Deputy Chief Review

Following the secondary review, the MPD Deputy Chief of Internal Affairs 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.

Commented [MPD3]: Added similar language with a reference to the complaint policy.

DRAFT



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-304 Authorized and Prohibited Force Control Options

(09/08/20) (12/22/20) (04/04/21) (01/01/23) (03/17/23) (06/26/23) (xx/xx/24)
Revisions to prior policies: (05/29/02) (10/16/02) (08/17/07) (12/15/09) (10/01/10)
(04/16/12) (06/01/12) (07/16/12) (09/04/12) (06/10/13) (10/07/13) (06/13/14) (04/30/15)
(09/23/15) (04/05/16) (07/28/16) (07/13/17) (04/02/18) (07/16/19) (10/18/19) (06/11/20)
(06/16/20) (08/21/20)

I. Purpose

- A. This policy is intended to recognize and respect the sanctity of life and value of all human life. The MPD recognizes that combative, non-compliant, armed or otherwise violent subjects may cause handling and control problems that require special training and equipment.
- B. 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.

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 laser paint a subject, aiming firearms, and aiming less-lethal launchers.

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, and making bodily contact with a subject with an impact weapon. Using empty hand techniques means making bodily contact with a subject.

Commented [MPD1]: No comments other than changing "shall" to "must" which MPD is not doing at this time.

III. Policy

A. Authorized Control Options and Improvised Control Options

All uses of force shall must be in accordance with the standards and requirements in P&P 5-301.

1. Officers shall must 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.
 - a. 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:
 - i. Obtained training in the technical, mechanical and physical aspects of the device.
and
 - ii. Developed a knowledge and understanding of the MPD policy, law, rules and regulations regarding the use of such a device.
2. MPD Training provides the foundation for considerations regarding decision-making and the use of force. While this training is as comprehensive as possible, it is recognized that not all situations are linear and that use of force sometimes deviates from trained techniques.
 - a. In the event that an officer's use of force incorporates improvised weapons or techniques, officers shall must still adhere to the force guiding principles and ensure their actions are objectively reasonable, necessary, and proportional (P&P 5-301).
3. The use of a vehicle, intermediate weapon, empty hand technique, or other improvised weapon by an officer may constitute the use of deadly force, depending on how the weapon or technique was used.

B. Limitations and Prohibitions

1. Transporting a person facedown

Officers shall must not secure a person in any way that results in transporting the person face down in a vehicle unless MN Statute section 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm (MN Statute section 609.06).
2. Prone positioning
 - a. People in MPD custody shall must 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.
 - a. 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 must 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.

3. Prohibition on 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.

- A choke hold is “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.” (MN Statute section 609.06 Subd. 3 (b))

4. Prohibition on hogties

Hogtying a subject is prohibited.

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

5. Prohibition on the 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.

6. Knives

Officers ~~shall~~ **must** not carry knives as weapons. Officers may carry a knife as a tool with a blade length no longer than 4 inches.

C. Force Used During Off-duty Employment Outside of Minneapolis

When reportable force is used during the scope of off-duty employment outside of Minneapolis (i.e. for another law enforcement agency), officers ~~shall~~ **must** 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. If an MPD CEW was used when working off-duty outside of Minneapolis, officers ~~shall~~ **must** 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).

Volume Five – Code of Conduct and Use of Force		5-300
Use of Force		Page 1 of 3
	Minneapolis Police Department Policy and Procedure Manual	Number: 5-300
Volume Five – Code of Conduct and Use of Force		
Use of Force		

5-305 Control Option- Restraints

(xx/xx/24)

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

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to ~~handcuffing the use of handcuffs~~. ~~“Handcuffing generally constitutes a use of force and the application of the handcuffs must be reasonable.” (Sebastian v. Ortiz, 2019, 11th Cir.)~~

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Use

III. Policy

A. Conditions for Use of Handcuffs

1. Objectively reasonable, necessary and proportional

Handcuffs, ~~including temporary plastic handcuffs~~, may only be used when objectively reasonable, necessary and proportional, ~~to restrain a person’s hands~~ in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

~~When using handcuffs, o~~Officers must continually assess the situation ~~that resulted in the use of handcuffs~~ and modulate their use of force accordingly as the level of resistance changes. ~~The use of handcuffs is a use of force that may be objectively reasonable for only as long as the circumstances, identified above, exist.~~

2. Situational factors

Handcuff use is authorized when ~~objectively reasonable and~~ one or more of the following

Commented [MPD1]: Handcuffing should be considered a use of force, and must also be objectively reasonable, necessary and proportional. Updated introduction covers that.

Commented [MPD2]: Took out the term "handcuffing" from the introduction.

Commented [MPD3]: Incorporated this.

Commented [MPD4]: Incorporated this.

Commented [MPD5]: This paragraph was removed due to restructuring. Updated language is consistent with these suggestions.

Commented [MPD6]: Changed to incorporate objectively reasonable, necessary and proportional.

factors are present (including during arrests, investigative detentions, or execution of search warrants, etc.):

- Articulate facts that the subject is physically uncooperative.
- Articulate facts that the subject may present a physical danger to themselves or others if not restrained.
- Reasonable possibility of flight based on the **the totality of the** circumstances.
- **Credible** information that the subject possesses or has access to weapons, and presents a danger to the safety of the officer or others.
- The detention of the subject closely follows a violent crime and the subject matches **a credible and clear** specific parts of a description.
- The number of subjects involved in the action causes an articulable safety concern.
- Articulate facts that the subject **is about to engage in a violent crime. will be involved in a crime of violence that is about to occur.**

- In accordance with P&P 5-302, officers **shall must** document the circumstances necessitating handcuffing in the Narrative Text.
- ~~The authority to handcuff continues for only as long as the circumstances above exist. Officers should follow the force guiding principles in making this determination (P&P 5-301).~~
- When a subject has been placed in handcuffs by another agency, officers **shall must** not place MPD handcuffs on the subject until they have confirmed the factors necessitating **the objectively reasonable use of** handcuffs.

~~3. Subject factors~~ **Factors Involving Certain Populations**

Before handcuffing a person who is a young juvenile, obviously pregnant, elderly, or frail, or has ~~another~~ apparent physical condition limiting their ability to cause physical harm, or when handcuffing would exacerbate an injury or medical condition, officers **shall must** take into account **the following** individualized factors of the person: ~~including:~~

- Apparent age.
- Body size.
- Strength relative to the officer.
- Known or perceived disabilities.
- Apparent ability to cause physical harm.
- Other risks posed by the person.

- If necessary to handcuff such a person, the officer **shall must** document their considerations in the Narrative Text.

~~B. Checking handcuffs~~ **Handcuff Checks Prior to Transport**

- Officers **shall must** check handcuffs for proper spacing and double lock as soon as it is safe to do so prior to transport.

Commented [MPD7]: This change was not made as situations outside of arrests, investigative detentions and search warrants could still involve safety issues necessitating handcuff use.

Commented [MPD8]: Added this.

Commented [MPD9]: The danger posed by this issue may not allow time for a credibility determination, and this is for temporary control/investigation.

Commented [MPD10]: This was changed to require reasonable suspicion.

Commented [MPD11]: Changed to reasonable suspicion and used the suggested language here "about to engage in a violent crime."

Commented [MPD12]: This is already covered by the above sections.

Commented [MPD13]: It should be able to be expanded beyond the list. Kept it as "including."

Commented [MPD14]: The section goes beyond the "prior to transport" clause. "Prior to transport" was removed from [1].

2. When a handcuffed subject first complains that handcuffs are too tight or are ~~causing pain, hurting the subject,~~ the officer having custody of the handcuffed subject ~~shall~~ **must** ~~immediately,~~ as soon as reasonably possible, check the handcuffs to make sure that they are properly spaced and properly applied to the subject. If they are not properly spaced or applied (per training), they ~~shall~~ **must** be readjusted and double-locked.

Commented [MPD15]: Made this change to "causing pain."

Commented [MPD16]: Having "immediately" followed by "as soon as reasonably possible" does not seem to add anything.

C. Plastic Handcuffs

1. Plastic handcuffs may be used in mass arrest situations when the conditions for standard handcuff use apply. They should be available in all Sergeants' vehicles.
2. Plastic handcuffs may also be used to supplement standard handcuffs in emergency situations.
3. ~~When using plastic handcuffs, the officer should monitor the subject to prevent injury. The use of plastic cuffs requires ongoing monitoring to prevent injury to the subject.~~

Commented [MPD17]: This was changed to a "shall" and was changed to "keep the person under close observation" to be consistent across the control option policies.

D. Specifications for Handcuffs

1. Every officer ~~shall~~ **must** carry at least one set of handcuffs while working in a uniform or plainclothes capacity.
2. Handcuffs ~~shall~~ **must** comply with the following requirements:
 - a. Authorized Brands: Smith & Wesson or Peerless.
 - a. Authorized Styles: Hinged or Chain.
 - b. Double locking mechanism.
 - c. Black or Chrome finish.



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-306 Control Option- Empty Hand Techniques

(xx/xx/24)

Revisions to prior policies: (09/08/20) (12/22/20) (04/04/21) (01/01/23)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to empty hand techniques.

Empty hand techniques are part of de-escalation because they control without injury, prevent higher levels of force from being needed, and allow officers to gain immediate compliance and resume effective de-escalation communication. (Police1)

Commented [MPD1]: This does not seem accurate. Some empty hand techniques do not constitute control without injury.

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~~ equipment or weapons.

Commented [MPD2]: Leaving it as intermediate or improvised weapon. Using the term "equipment" here seems like it would lead to confusion.

Body weight to pin: Using body weight to pin a subject to the ground or floor, or to a fixed object while the subject is lying down, ~~other than in a prone position that could restrict, limit, or compromise~~ breathing.

Commented [MPD3]: This is covered by the prohibitions in other places.

Control pressure: Pressing a subject into a fixed object, ~~such as a wall or vehicle~~, while the subject is not lying down. ~~(such as applying pressure while the subject is against a vehicle or building).~~

Commented [MPD4]: Keeping the examples in the parentheses.

Escort holds: Temporary holding of the hand, wrist, arm or shoulder to physically ~~guide~~ control or direct a subject. ~~Escort holds are used when the person is passive and not physically resisting the police officer.~~ (U.S.Department of Justice, Office of Justice Programs)

Commented [MPD5]: The OJP section is from 1993 and does not seem to accurately describe how escort holds are used (it implies that a person goes from passive to aggressive). This suggestion mixes policy and definition language by referencing degrees of resistance.

Joint manipulations: Forcefully controlling a subject's joint to limit or direct movement. This also includes locks such as wristlocks, armbars, shoulder locks, joint locks, etc. ~~Joint manipulations may result in brief temporary pain.~~

This definition was changed to "Control and Escort Holds."

Pressure Point Compliance: Directed touch pressure that is delivered to gain compliance and may result in brief temporary pain. ~~Pressure point compliance can be used on a subject who is actively resisting an arrest or attacking an officer but should not be used on passive resisters who remain docile.~~ (Police Magazine)

Commented [MPD6]: MPD is leaving this out of definitions. It seems permissive of causing pain.

Commented [MPD7]: This definition uses terms not in MPD policy such as "docile." This suggestion mixes policy and definition language by referencing degrees of resistance.

Pushes: Using physical force to press forward in an effort to ~~effect movement~~ **to move a subject or have the subject move.**

Commented [MPD8]: This definition was changed and goes beyond the suggested language.

Strikes: Punches, kicks, knees, slaps **that use the hands or body.**

Commented [MPD9]: This definition was changed and goes beyond the suggested language.

Takedown techniques or tackles: ~~Using Bodily force, intentional or unintentional, that compels forces a standing or seated person to the ground or floor, or forceful actions that result in the person ending up on the ground or floor (whether intentional or unintentional).~~

Commented [MPD10]: MPD is keeping the original construction.

Examples of actions that constitute takedowns include, but are not limited to:

1. Two-officer or single-officer takedown.
2. A push, pull or shove that propels the subject to the ground or floor.
3. A vehicle extraction that ends on the ground or floor.
4. Tacking the subject.
5. A leg sweep.

Terms defined in P&P 5-304:

- Use

III. Policy

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Empty hand techniques may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

When using empty hand techniques, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Restriction on Strikes

Strikes ~~shall~~ **must** not be used with people who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

B. Treatment and Medical Aid

In addition to standard medical treatment after use of force (in accordance with P&P 5-301),

when officers use strikes, or if empty hand techniques cause a subject's head to strike an object or surface, treatment for the subject ~~shall~~ **must** include visually inspecting the areas struck for signs of injury, when appropriate. Officers ~~shall routinely~~ **must continuously** monitor the person's medical condition until they are released to medical or other law enforcement personnel.

Commented [MPD11]: Changed this to "keep under close observation" to be consistent across control options.



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

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

(xx/xx/24)

Revisions to prior policies: (07/16/19) (08/21/20) (09/08/20) (04/04/21) (01/01/23)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to impact projectiles and 40mm launchers.

This policy addresses impact projectile use. Chemical munitions are covered by P&P 5-313.

II. Definitions

- **40mm round:** The 40mm round is a direct fire round used in situations where maximum deliverable **kinetic** energy is desired for the incapacitation of a subject.
- **Bean bag round:** A direct fire round fired from a shotgun and used when maximum deliverable energy is desired for the incapacitation of a subject.
- **Delivery of an Impact Projectile:** When a discharged impact projectile comes into contact with a subject.
- **Discharging an Impact Projectile:** Discharging an impact projectile means ejecting it out of the end or nozzle of the weapon.
- **Impact Projectile:** any object launched from a tool designed to incapacitate the subject exclusively through blunt force trauma of kinetic energy from the mass of the projectile. Depending on where the projectile hits and the condition of the subject, the damage can range from minor bruising to disfigurement, permanent disability, or even death. Impact Projectiles include, but are not limited to, the 40mm round and the bean bag round fired from a shotgun. [Kinetic Impact Projectiles in Law Enforcement an Amnesty International Position Paper]
- **Impact Projectile Launcher:** The tool which is designed to launch the impact projectiles including but not limited to the 40mm launcher and the 12-gauge shotgun intended for bean-bag rounds.
- **Imminent/ Imminent Harm:** based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to

Commented [MPD1]: Added. Also added to the bean bag round definition.

Commented [MPD2]: Added the first portion. The second portion is covered in other parts of the policy.

Commented [MPD3]: Added a similar definition.

the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. [USE OF FORCE AND DEADLY FORCE MODEL POLICY Minn. Stat.626.8452, Subd. 1

Commented [MPD4]: A very similar definition is included.

Terms defined in P&P 5-301:

- Substantial Bodily Harm

Terms defined in P&P 5-304:

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

III. Policy

A. Impact Projectile Intended Purpose [Denver Police Department Operations Manual 105.02 Less Lethal Force and Control Options <https://www.aele.org/law/denver.pdf>]

The intended use of impact projectiles fired from a 40mm Launcher or of bean-bag rounds fired from a 12-gauge shotgun is

Commented [MPD5]: MPD is keeping the language to conditions for use. The purpose language seems to overlap significantly with conditions for use, but does not contain the restrictions. The intent of the impact projectile is covered in the definition.

1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary to attempt to avoid having to use deadly force.
2. Used as a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed.
3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
4. When serving a high-risk search warrant as a means to breach the structure or to deliver technology to communicate with/observe the occupants (P&P 4-226)

Commented [MPD6]: This term seems like it could have problematic connotations.

Impact Projectiles are not meant to replace deadly force. A second officer prepared to use deadly force should be present when impact projectiles are deployed. [Baton Rouge Police Department Policy Manual Subject: Less-Lethal Impact Projectiles General Order No. 135.2 effective 7-1-2004 <https://www.aele.org/law/batonrouge.pdf>]

B. Impact Projectiles as an Intermediate Weapon

Does MPD intend an impact projectile weapon to be an intermediate weapon for the firearms policy? Seems unlikely.

1. Impact projectiles are generally considered an intermediate weapon. ~~when delivered to areas of the subject's body that are considered unlikely to cause death or serious physical injury, but impact projectiles can be lethal in certain circumstances.~~ Depending on how officers use the instruments, distance from subject, vulnerability of subject, and the targeted part of the body, impact projectiles can be lethal or cause permanent disfigurement. [Kinetic Impact Projectiles in Law Enforcement an Amnesty International Position Paper

Commented [MPD7]: Added all of this, but kept the prior language as well.

Impact Projectile Training: Critical Issues for Positive Performance 2006 Maj Steve Ijames <https://www.police1.com/police-products/less-lethal/articles/impact-projectile-training-critical-issues-for-positive-performance-ZTNEPPRZP6xMOt0V/>

2. Impact Projectiles strikes to the head, neck, sternum, spine, groin, or kidneys this will be considered lethal force.
3. Impact Projectiles are frequently deployed in highly volatile situations making it impossible to completely rule out serious injury on a subject. Impact projectiles must be used in a way that minimizes harm and injury to the subject and bystanders. Officers must balance the need to stop the behavior with the acceptability of potential injury outcome. [Kinetic Impact Projectiles in Law Enforcement an Amnesty International Position Paper; Impact Projectile Training: Critical Issues for Positive Performance 2006 Maj Steve Ijames <https://www.police1.com/police-products/less-lethal/articles/impact-projectile-training-critical-issues-for-positive-performance-ZTNEPPRZP6xMOt0V/>]
4. Due to the loss of control of who or where the Impact Projectile hits, firing at a hard surface in front of the subject (skip fire) is prohibited. [Kinetic Impact Projectiles in Law Enforcement an Amnesty International Position Paper]
5. Under no circumstances will an Impact Projectile Launcher (40mm Launcher, Beanbag shotgun, or similar weapon) be displayed, drawn, or used as a means of interrogation, coercion or punishment. [Providence Police Department General Order Less-Lethal Munitions \$ 40mm Launcher]
6. When stored or carried, Impact Weapon Launcher will be treated with the same care and caution as a weapon loaded with standard (lethal) munitions. [New Castle County Division of Police Extended Range Impact Weapons Protocol Aug 12 2028. <https://www.aele.org/law/newcastle.pdf>]

C. Civil Disturbances and Assemblies

1. All carrying and use of 40mm launchers for crowd control purposes or during civil disturbances and assemblies shall must only occur in accordance with P&P 7-805.
2. Shotguns and bean bag rounds shall must not be carried or used for crowd control purposes.

D. Conditions for Use on a Subject

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a subject when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they shall must use the lowest degree of force necessary (P&P 5-301).

When using impact projectiles or 40mm launchers, officers must continually assess the

Commented [MPD8]: This is not a defined term.

Commented [MPD9]: These uses are limited to deadly force situations, as described below.

Commented [MPD10]: This is part of conditions for use.

Commented [MPD11]: This language seems like it might have problematic connotations.

Commented [MPD12]: MPD does not train this tactic and no longer stocks munitions intended for skip-fire use (such as wood baton rounds). There could be rare circumstances in which the improvised skip-firing of an impact projectile is the most reasonable course of action.

Commented [MPD13]: This is covered in 5-301 for all force options.

Commented [MPD14]: The section on carrying and storage was expanded for additional accountability.

situation and modulate their use of force accordingly as the level of resistance changes.

2. Subject factors

Officers ~~shall~~ **must** only discharge impact projectiles at a subject when:

- a. There is probable cause for an arrest or reasonable suspicion for detention, or the person has made a credible threat to harm themselves and has the means to do so.

and
- b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent **substantial** bodily harm or greater.

3. Target areas

- a. The primary target areas for impact projectiles should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the abdominal area to the waist.
- b. Officers ~~shall~~ **must** be aware that the delivery of 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.

- Hits to the face or head with an impact projectile may result in permanent disfigurement, skull fractures, and brain injury.
- Hits to the eye frequently lead to loss of vision.
- Hits to the torso may cause organ damage or rupture with potential for death.
- The body locations most resistant to damage by impact projectiles are the thighs, leg below the knee, arm below elbow but above wrist, and buttocks. Depending on the condition of subject and distance from launcher, significant damage can still result from impacts to these areas. [Kinetic Impact Projectiles in Law Enforcement an Amnesty International Position Paper Impact Projectile Training: Critical Issues for Positive Performance 2006 Maj Steve Ijames <https://www.police1.com/police-products/less-lethal/articles/impact-projectile-training-critical-issues-for-positive-performance-ZTNEPPRZP6xMOt0V/>]

- c. Officers ~~shall not intentionally discharge impact projectiles~~ **Officers must exercise due care to avoid the impact projectile striking** a person's head, neck, throat, face, sternum, armpit, spine, kidneys, or groin unless deadly force would be ~~justified~~ **authorized**. (P&P 5-301)

4. Consider risks and other means of control

Prior to discharging impact projectiles at a subject, officers ~~shall~~ **must** consider:

- a. Any risks to the public or to the officers.

Commented [MPD15]: Added this.

Commented [MPD16]: Added this.

Commented [MPD17]: Added this.

Commented [MPD18]: This is covered by the target areas.

Commented [MPD19]: MPD is keeping the original language.

Commented [MPD20]: Added, but changed to "chest."

Commented [MPD21]: Changed this.

b. Whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public.

c. **Subject Considerations**

The following list of individuals are exceptionally vulnerable to impact projectiles. Extra restraint and caution must be taken when deciding if the use of impact projectiles is reasonable. [Stanford Law school Model Use of Force Beta Release Ch8 Batons and Other Impact Weapons V1.0 <https://law.stanford.edu/wp-content/uploads/2022/11/Batons-Master-Final-Consolidated-Chapter-8-Batons-Nov-11-2022.pdf>]

- obviously pregnant;
- apparently elderly;
- apparently a juvenile;
- visibly frail or has a low body mass;
- under the effects of a medical or behavioral health crisis; or
- Are on an elevated or unstable surface which could cause a fall that could result in a significant impact injury

d. Under no circumstances will an Impact Projectile Launcher (40mm Launcher, Beanbag shotgun, or similar weapon) be displayed, drawn, or used as a means of interrogation, coercion or punishment. [Providence Police Department General Order Less-Lethal Munitions § 40mm Launcher]

5. **Target Distance**

a. Bean Bag munitions should typically be used at distances greater than 20 feet. [New Castle County Division of Police Extended Range Impact Weapons Protocol Aug 12 2028. <https://www.aele.org/law/newcastle.pdf>]

- Bean bag munitions must only be used at a distance between 10 and 20 feet with extreme caution if there is an objectively reasonable need due to substantial risk of bodily harm or death that can be clearly articulated by the officer.
- Except when the circumstances satisfy the requirements for deadly force, Bean bag munitions used at distances less than 10 feet is prohibited.

b. 40mm Impact Projectile Distance Restrictions – [MPD Implementation Team will review the specific impact munitions used by the MPD and update this section in a similar manner to above. For example, New Castle uses eXact Impact Sponge as their Kinetic Impact Round which has an approved distance of between 5 and 120 feet]

E. Conditions for Use on a Surface

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a surface when objectively

Commented [MPD22]: Added a section similar to this that is consistent with the CEW language.

Commented [MPD23]: This is covered by 5-301.

Commented [MPD24]: This is covered in training and by manufacturer specifications. The mention of "distance" is included in factors that can potentially result in great bodily harm or death.

reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

When using impact projectiles or 40mm launchers, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorization

Officers ~~shall~~ **must** only discharge impact projectiles at a surface such as a window, structure or stationary vehicle in one of the following situations:

- a. For life-saving purposes.
- b. When an occupant of a vehicle is armed with a firearm or reasonably believed to be armed with a firearm and refuses to exit the vehicle following a lawful command to do so, and such use of the impact projectiles is approved by a SWAT supervisor.
- c. When serving a high-risk search warrant as a means to breach the structure and communicate with the occupants or introduce technology such as unmanned aerial systems (P&P 4-226) or reconnaissance robots into the structure, and such use of the impact projectiles is approved by a Deputy Chief or higher. Deployment in this situation is intended to de-escalate the situation by establishing new lines of communication or observation.
- d. When approved by the Chief or the Chief's designee.

3. Method of use

The impact projectile may be either:

- a. Directed away from the person's location as a distraction.
- or
- b. Used to breach a window.

4. Consider risks

Prior to using impact projectiles on a surface, officers need to consider the risks to any person who may be struck by the projectile or by debris caused by the projectile's impact on the surface.

F. Announcements

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

1. Officers ~~shall~~ **must** 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 round should yell

"Code Orange!" prior to and during the discharge. Note: 40mm launchers have an orange barrel indicating they are the less-lethal platform

3. **Before using or attempting to use an Impact Projectile on a subject the officer [USE OF FORCE AND DEADLY FORCE MODEL POLICY Minn. Stat. 626.8452, Subd. 1]**

a. **Must identify as a law enforcement officer.** [International Association of Chiefs of Police National Consensus Document on Use of Force 3 Oct 2017 https://www.theiacp.org/sites/default/files/all/n-o/National_Consensus_Policy_On_Use_Of_Force.pdf]

Commented [MPD25]: This is covered in 5-301.

b. **Must give a loud verbal warning of intended use to the subject. This warning must include what specific actions the subject must take to or cease taking to comply with the officer and avoid being hit with the impact munition.**

Commented [MPD26]: This is covered in 5-301.

c. **The officer must have a reasonable basis for believing the warning was heard and understood by the individual to whom the warning is directed prior to using an Impact Projectiles against that subject.**

Commented [MPD27]: If force is necessary (per the other sections in the policy), there may not be time available for this statement.

d. **Officers must allow a reasonable amount of time for a person to comply with the warning.**

Commented [MPD28]: This is covered by 5-301.

e. **The need to give warning must only be superseded in the following situations:**

Commented [MPD29]: This is part of 5-301.

- **To give warning would unduly place the officer or others at imminent risk of death or serious harm.**
- **If a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. The surprise/tactical element must still be needed at the actual time of discharge for this exception to remain relevant.** [Los Angeles Police Department Use of Force – Tactics Directive 17 July 2018 <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/12/tac-dir-17-40mm-launcher.pdf>]

G. Loading the Impact Projectile Launcher [New Castle County Division of Police Extended Range Impact Weapons Protocol Aug 12 2028. <https://www.aele.org/law/newcastle.pdf>]

1. **The launcher must remain unloaded until such time as it is needed and then will be loaded only by an officer trained to use the impact projectile rounds and launchers. This will ensure that the rounds being loaded are visualized by an officer trained to verify the rounds are approved Impact Projectile munitions.**

Commented [MPD30]: This is covered by inspection when the launcher is being loaded, as part of training.

2. **A second officer qualified to deploy the munitions must witness the loading of the launcher unless infeasible because the delay would significantly increase the risk of harm to the officer or public.**

Commented [MPD31]: This does not seem to serve a practical function. Other launcher and munition accountability measures were added.

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 40mm 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 of 40mm Launchers

1. 40mm launchers ~~shall~~ **will** be assigned to each precinct, City Hall and specialty units as needed.
2. Each 40mm launcher ~~shall~~ **must** be kept 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~~ **must** have the 40mm launchers available during their assigned shift, when possible.

J. Maintenance of 40mm launchers

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

K. Where is the section for storage and maintenance of the shotguns designated to fire bean-bag rounds?

Commented [MPD32]: Added the bean bag shotgun was to the maintenance section.

L. Treatment and Medical Aid

1. Officers **must**, at the earliest safe opportunity, provide medical treatment at the level of their ~~training~~.
2. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when a subject is struck by an impact projectile, treatment for the subject ~~shall~~ **must** include visually inspecting the areas struck for signs of injury, when appropriate.
3. Officers ~~shall~~ **must** routinely monitor the person's medical condition until they are released to medical or other law enforcement personnel.
4. If possible, photographs should be taken of any injuries to the subject.

Commented [MPD33]: This is covered by 5-301.

M. Documentation

Officers who discharge impact projectiles ~~shall~~ **must** report the force in accordance with P&P 5-302.

N. Notifications and Supervision

1. Officers who discharge an impact projectile ~~shall~~ **must** immediately notify dispatch, who will notify a supervisor.
2. A supervisor ~~shall~~ **must** respond to the scene any time an impact projectile is discharged. The responding supervisor ~~shall~~ **must** review the incident and complete a use of force review in accordance with P&P 5-303.
3. Supervisors ~~shall~~ **must** ensure that all spent 40mm rounds are collected and property inventoried if possible (P&P 10-400).

O. Training Required

1. Only officers trained in the use of the 40mm launcher and 40mm round are authorized to carry and use them.

2. Only officers trained in the use of bean bag rounds and shotguns are authorized to carry and use them.

P. Specifications for 40mm Launchers and Impact Projectile **Munitions**

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~~ **must** only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.
3. The MPD Range ~~shall~~ **must** issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program.
4. ~~The MPD Range shall replace any rounds discharged or damaged as needed. This policy as it stands is fine but is would better belong in range officer policies and documents rather than a control option/use of force policy~~
5. Officers ~~shall~~ **must** only carry MPD-approved bean bag rounds and ~~shall~~ **must** only use them with the approved shotgun.
6. Shotguns approved for bean-bag rounds must be clearly marked with bright colors on the grip, stock, and/or barrel. [New Castle County Division of Police Extended Range Impact Weapons Protocol Aug 12 2028. <https://www.aele.org/law/newcastle.pdf>]
7. Shotguns approved for bean bag rounds must not ever use standard (lethal) ammunition. [New Castle County Division of Police Extended Range Impact Weapons Protocol Aug 12 2028. <https://www.aele.org/law/newcastle.pdf>]

Commented [MPD34]: The definition uses "Impact Projectiles."

Commented [MPD35]: Removed this.

Commented [MPD36]: Added a similar line.

Commented [MPD37]: Added a similar line.

DRAFT



**Minneapolis Police Department
Policy and Procedure Manual**

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-308 Control Option- Chemical Aerosols

(xx/xx/24)

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

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to chemical aerosols.

II. Definitions

Chemical Aerosol: A pressurized can that contains a non-lethal irritant chemical agent which is released as a stream, cone mist, fogger, foam, or gel.

Commented [MPD1]: Added a similar definition. Did not use the term "non-lethal."

Chemical Agent: The irritant contained, such as 0-Chlorobenzylidenemalononitrile (CS), 2-chlorobenzalmalononitrile (CN) and/or Oleoresin Capsicum (OS), or a mixture of these elements.

Commented [MPD2]: Added a similar definition, using the technical terms.

Delivery of a Chemical Aerosol: When a discharged chemical aerosol comes into contact with a subject (when a subject is sprayed).

Discharge of a Chemical Aerosol: Using the actuator to release the contents from the canister, regardless of whether it impacts the intended subject.

Terms defined in P&P 5-304:

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

III. Policy

A. Chemical Aerosols as Intermediate Weapons

The MPD approved chemical aerosol is an intermediate weapon.

B. Civil Disturbances and Assemblies

Chemical aerosols, regardless of canister size, shall ~~shall~~ **must** only be discharged during civil

disturbances and assemblies when authorized in accordance with P&P 7-805.

C. Conditions for Use

1. Objectively reasonable, necessary and proportional

Chemical aerosols may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

When using chemical aerosols, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

Chemical aerosols must only be used once dialogue has failed to bring about the subject's compliance.

Commented [MPD3]: Some instances will not have time for dialogue. The section about warnings covers some of this suggestion.

2. People in restraints

- a. Officers ~~shall~~ **must** 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 themselves, or others.
- b. Prior to using chemical aerosols on the person, officers must first attempt to exercise additional control over the person using empty hand control measures other than strikes, when feasible.
- c. Officers ~~shall~~ **must** only use chemical aerosols against the restrained person once all feasible empty hand control measures other than strikes have been attempted by the officer, and if the imminent threat of physical harm persists.

3. Compliant and passively resisting people

Chemical aerosols ~~shall~~ **must** not be discharged at people who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

4. People swallowing narcotics

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

D. Interrogation, Coercion or Punishment

Under no circumstances will a chemical aerosol be displayed, drawn, or used as a means of interrogation, coercion or punishment. [1]

Commented [MPD4]: Covered in 5-301.

E. Animals

The use of chemical aerosols on a dangerous animal is permissible to deter an attack or to prevent injury to persons present. [2]

Commented [MPD5]: This is covered by the circumstances in 5-301 of objectively reasonable, necessary and proportional.

F. Tactics and Requirements When Using Chemical Aerosols

1. Officers **must** only discharge the chemical aerosol at intended subjects and ~~shall~~ **must** exercise due care to minimize exposure of non-targeted people. [Relocated this from the bottom of the section]

Commented [MPD6]: Moved up.

2. Officers must avoid using chemical aerosols in the following situations unless use is needed to immediately preserve the life of officers, victims, or bystanders

a. Sensitive population groups (including but not limited to those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, suffer from respiratory issues, or users of a cardiac pacemaker) are likely to be exposed to the chemical agent. [2] [3]

Commented [MPD7]: Incorporated similar language.

b. Confined, enclosed, or highly populated space where there's a likelihood of impacting a large number of uninvolved persons unless use of chemical agent is needed to immediately preserve the life of officers, victims, or bystanders. [2] [3]

Commented [MPD8]: Covered by the "due care" clause.

c. Subject has a known respiratory condition. [2]

Commented [MPD9]: This is covered by the vulnerable populations section.

d. Around open flames or other ignition hazards due to the highly flammable nature of chemical aerosols. [4]

Commented [MPD10]: The manufacturers of MPD authorized chemical aerosols purport their ingredients to be non-flammable.

3. Warning required

a. Prior to discharging a chemical aerosol, ~~officers shall provide oral warnings indicating that they intend use chemical aerosols unless the person submits to their authority, when it is safe and feasible to do so (in accordance with P&P 5-301), unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm, the officer~~ **must**:

Commented [MPD11]: MPD used the settlement agreement language for the warnings.

- Identify as a law enforcement officer. (P&P 5-301 revised)

Commented [MPD12]: Covered in 5-301.

- Give a loud verbal warning of intended use of a chemical aerosol to the subject. This warning must include the specific actions the subject must take to or cease taking to comply with the officer and avoid being sprayed with the chemical aerosol. (P&P 5-301 revised)

Commented [MPD13]: See 5-301.

b. The officer must have a reasonable basis for believing the warning was heard and understood by the individual to whom the warning is directed prior to using a chemical aerosol against that subject. (P&P 5-301 revised)

Commented [MPD14]: See 5-301.

c. Officers ~~shall~~ **must** allow a reasonable amount of time for a person to comply with a warning ~~when feasible to do so~~ unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm. (P&P 5-301 revised)

Commented [MPD15]: See 5-301.

d. The warning ~~shall~~ **must** only ~~occur~~ **be given** in situations that an officer reasonably believes may result in the authorized use of force.

4. Initial Delivery of Chemical Agent

a. Whenever possible, officers should be upwind from the suspect before using chemical aerosol spray and should avoid entering the spray area.

Commented [MPD16]: This is a training point, and is also related to the "due care" clause.

b. An officer must maintain an appropriate distance from the suspect for safe and

effective deployment.

Commented [MPD17]: This is a training point, and is based on manufacturer specifications.

- c. A single spray burst of roughly one second should be directed at the suspect's eyes, nose, and mouth.

Commented [MPD18]: MPD trains one to two seconds. The burst length was incorporated into the policy.

5. Re-assess after delivery

Officers ~~shall~~ **must** stop the discharge once the chemical aerosol is delivered, re-assess the situation and threat level, and determine whether any subsequent discharges are necessary and reasonable.

Officers must consider each one-second application as a separate use of force that the officer must individually justify and report as objectively reasonable, necessary, and proportional. [2]

Commented [MPD19]: Added similar language.

Officers must discontinue use if a subject does not comply after two one-second bursts of chemical aerosol that successfully contacts the target. [2]

Commented [MPD20]: MPD trains to transition to other force options. But specifically restricting the option in this case may lead to higher degrees of force.

~~6. Only deliver to intended people~~

~~Officers only discharge the chemical aerosol at intended subjects and shall **must** exercise due care to minimize exposure of non-targeted people. Relocated this to the beginning of the section~~

Commented [MPD21]: Moved up.

G. Treatment and Aid for Chemical Aerosol Agent Exposure

1. Officers must, at the earliest safe opportunity, provide medical treatment at the level of their training.

Commented [MPD22]: Covered by 5-301 and the reference to 7-350.

2. Officers must be aware of the risks of positional asphyxia and must use restraint techniques that do not impair the subject's respiration following a chemical aerosol application. [2]

3. 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~~ **must** include as many of the following as possible:

- Removing the affected person from the area of exposure.
- **Seating the person exposed in an upright position** [2]
- Exposing the affected person to fresh air.
- Rinsing the eyes and skin of the affected person with cool water (if available).

Commented [MPD23]: Added.

3. Officers ~~shall keep a person exposed to the chemical aerosol under close observation~~ **must continue to monitor the individual until the effects of the chemical agent have completely diminished** or until they are released to medical or other law enforcement personnel. **Officers must request appropriate medical assistance if:**

Commented [MPD24]: Kept "close observation."

Commented [MPD25]: This is part of 7-350, the section in 5-301, and close observation.

- a. The officer becomes aware the chemical agent was used on a child, elderly, pregnant, physically disabled, or mentally ill subject. [2]

Commented [MPD26]: This is covered by the below clauses and the vulnerable populations language.

- b. The subject indicates or appears to be in any physical distress or complains of injury or aggravation of a medical condition (e.g., asthma, emphysema, bronchitis). [2]

Commented [MPD27]: Added this.

- c. The subject indicates they have a pre-existing condition (such as asthma,

emphysema, bronchitis, or heart ailment) that may be aggravated by the chemical agent. [2]

Commented [MPD28]: Added this.

- d. The subject is experiencing anything beyond mild symptoms 45 minutes beyond exposure to the chemical agent. [2]

Commented [MPD29]: This is covered by the added language about continued symptoms.

H. Transport and Transfer of Subjects Exposed to Chemical Aerosols

1. Subjects in custody exposed to chemical aerosols must be transported in an upright position and monitored for any signs of distress. If the subject has difficulty breathing or shows any signs of medical distress, officers must immediately seek medical assistance. Officers must keep a person exposed to the chemical aerosol under close observation until they are released to medical or other law enforcement personnel. [2]

Commented [MPD30]: This is covered by the prone positioning restriction (being moved from 5-304 to 7-350).

Commented [MPD31]: Covered by 5-301, 7-350, "close observation" and the added language about symptoms and adverse reactions above.

2. When transferring custody of a person that has been exposed to chemical aerosols, the officers shall must notify the entity accepting custody.

I. Specifications for Chemical Aerosols

1. Every officer shall must carry a 4 oz. canister of chemical aerosol on their person at all times while working in uniform.
2. Canisters larger than 4 oz. may be carried by officers when authorized by a supervisor.
3. 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.

4. MPD officers are responsible for maintaining the chemical aerosol in operational and charged state, including but not limited to expiration date, damage, or low/empty canister.

Commented [MPD32]: Added expiration language.

5. Unexplained depletion of aerosol restraint spray canisters requires a written report by the officer's supervisor to the commanding officer.

Commented [MPD33]: This is covered by the requirements for members to report suspected unreported force.

6. Authorized chemical aerosols are:

- a. Aerko Freeze +P, 1% CS/1% OC
- 4 oz 2k3
 - 17.5 oz M9 Streamer
- b. Defense Technology Oleoresin Capsicum (OC) Solution .2%
- 12oz MK9 Streamer

J. Reporting Procedures

Uses of chemical aerosols, including accidental discharges, against an individual in an enforcement capacity must be reported to the officer's immediate supervisor as soon as possible in accordance with agency policy.

Commented [MPD34]: This is covered in 5-302.

K. A use-of-force report must be completed following all discharges of chemical aerosols except during testing, training, or malfunction, in accordance with agency policy.

Commented [MPD35]: 5-302 covers reporting of chemical aerosols for force. Some of the listed instances are not uses of force.

REFERENCES

1. Providence Police Department General Order Less-Lethal Munitions \$ 40mm Launcher
2. Cleveland General Police Order 2.01.04 Use of Force – Intermediate Weapons
[https://www.clevelandohio.gov/sites/clevelandohio/files/policies-procedures/2.01.04%20Intermediate%20Weapons%20\(r\).pdf](https://www.clevelandohio.gov/sites/clevelandohio/files/policies-procedures/2.01.04%20Intermediate%20Weapons%20(r).pdf)
3. Massachusetts Department of Correction POLICY 103 DOC 509 OC, CHEMICAL AGENTS, SPECIALTY IMPACT MUNITIONS/DISTRACTION DEVICES, BATONS, AND ELECTRONIC CONTROL DEVICES <https://www.mass.gov/doc/doc-509-oc-chemical-agents-specialty-impact-munitiondistractio-ndevic-ebatons-and-electronic-control-devices/download>
4. New Hampshire Department of Health and Human Services 1378 Use of Oleosin Capsicum Spray
<https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents/2021-11/dcyf-policy-1378.pdf>



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

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

(xx/xx/24)

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

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to CEWs.

II. Definitions

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

CEW: A device designed to incapacitate a subject from a safer distance than some other force options by discharging an electric current into a subject that causes temporary motor skill dysfunction and/or neuromuscular incapacitation or to cause discomfort by discharging an electric current into a subject to gain compliance.

Deploying a CEW: Using the trigger on the CEW, resulting in the ejection of probes.

Drive-Stun: When the CEW is pushed firmly against the body of the subject and the CEW is energized without deploying a cartridge.

Energizing a CEW: Energizing a CEW means cycling the electricity through successfully deployed probes, through re-energizing probes that have already been deployed, through a warning arc, or through a drive-stun application.

Probe Mode: When a CEW is used to deploy probes at a person for the purpose of achieving neuromuscular 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 deploy probes. Also known as “red dotting”.

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

Commented [MPD1]: Part of this is incorporated.

Terms defined in P&P 5-304:

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

III. Policy

A. CEW as an Intermediate Weapon

The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is an intermediate weapon, but can be lethal in certain circumstances.

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

CEWs may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~**must** use the lowest degree of force necessary (P&P 5-301).

When using CEWs, officers ~~shall~~**must** continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. ~~Under no circumstances will a CEW be displayed, drawn, or used as a means of interrogation, punishment, or coercion other than when use of force is justified.~~ [1] [2]

Commented [MPD2]: Covered in 5-301.

3. Use on a fleeing subject

Officers should be aware that deploying a CEW at a subject who is fleeing may result in serious physical injury, depending on the surface and surrounding environment. Therefore, the following conditions apply:

- a. Officers ~~shall~~**must** only use CEWs on subjects who are fleeing when either:
 - 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~~**must** never be the sole reason for using a CEW on a person.

4. Subject factors

Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain people. **In a physiologically or metabolically compromised person, any physiologic or metabolic change may cause or contribute to sudden death.** [3]

Commented [MPD3]: This does not align with the manufacturer's specifications. The intermediate weapon section was expanded to include stronger language and the below clauses were expanded into a section called "Consider vulnerable people."

a. Except where deadly force is the only other option, officers ~~shall~~**must not** deploy or energize a CEW against a person when a reasonable officer would know that the person is:

- Pregnant.
- Elderly.
- A small child (typically 12 years old or younger).
- A visibly frail person, or person with a very thin stature or low body mass (i.e., may have thin chest walls).
- **Has a cardiovascular disease/heart condition, a pacemaker, asthma or other pulmonary conditions.** [3]

Commented [MPD4]: This does not align with the manufacturer's specifications. "Infirm" was added to the preceding bullet.

b. Officers must be able to articulate a correspondingly heightened justification when activating a CEW on:

- Any juvenile (under the age of 18).
- A person in crisis (P&P 7-809).
- **Severe exhaustion or overexertion from prolonged physical struggle.** [3]

Commented [MPD5]: This seems difficult for a member to assess while still in a situation that may require deployment. And this does not align with the manufacturer's specifications.

5. Situational factors

Except where deadly force is the only other option, officers ~~shall~~**must not** deploy or energize a CEW against a person in situations when it is reasonably evident that activation may cause serious physical injury. Such situations include, but are not limited to:

- On a person in an elevated position **or unstable surface**, who might be at a risk of a dangerous fall. [3]
- **On a person in a position where a fall would reasonably result in an impact injury to head.** [3]
- **On a person in who could fall onto a sharp object or surface.** [3]
- On a person who is in physical control of a vehicle in motion, **or operating dangerous machinery.**
- 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 chemical aerosols or chemical munitions.
- On a person who has been exposed to 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.

Commented [MPD6]: Unstable surface is not as linked to a dangerous fall as an elevated position.

Commented [MPD7]: This is covered by the previous bullet- otherwise it is too difficult to assess.

Commented [MPD8]: This was incorporated into the first bullet.

Commented [MPD9]: Kept at "vehicle in motion."

6. People in restraints

- a. Officers ~~shall~~ **must** not deploy or energize a CEW 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 themselves, or others.
- b. Prior to deploying or energizing a CEW on a restrained person, officers must first attempt to exercise additional control over the person using empty hand techniques other than strikes, ~~when feasible~~. **unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm**
- c. Officers ~~shall~~ **must** only deploy or energize a CEW against a restrained person once all feasible empty hand techniques other than strikes have been attempted by the officer, and if the imminent threat of physical harm persists.

Commented [MPD10]: MPD is keeping the "when feasible" language.

C. Tactics and Requirements When Using a CEW

1. Safety

- a. Immediately prior to deployment, the officer must visually and physically confirm that the device selected is the ECW and not a firearm. [5]
- b. Place the CEW safety switch in the down (SAFE) position when the CEW is not in use. Remember to place the CEW safety switch in the up (ARMED) position when you intend to use the CEW. [3]
- c. Keep your finger off the trigger until it is legally justifiable to use the CEW and you are ready to deploy. [3]

Commented [MPD11]: This is part of training, and it is holstered on the weak side.

Commented [MPD12]: Arming the CEW once out of the holster is part of training.

Commented [MPD13]: This is part of training.

2. Warnings

- a. Whenever possible, it is important that all officers involved and possible responding officers know that a CEW is being deployed so they don't mistake the sight and noise of a CEW being deployed as a firearm discharge.
- b. Prior to deploying a CEW or applying it in drive-stun mode, officers **must identify as law enforcement and shall must** provide oral warnings indicating that they intend to use the CEW unless the person submits to their authority **and provide a reasonable amount of time for the subject to comply**, ~~when it is safe and feasible to do so~~ **unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm** (in accordance with P&P 5-301).
- c. The warning ~~shall~~ **must** only occur in situations that an officer reasonably believes may result in the authorized use of force.
- d. Use of the CEW to laser paint (red dot) or conduct a warning arc may be effective at diffusing a situation prior to actual deployment or application of the CEW.

Commented [MPD14]: This is covered by "announcements" that were added.

Commented [MPD15]: See 5-301.

3. Targeting in probe mode

Officers deploying CEWs in probe mode **must exercise due care to avoid a probe striking** ~~shall not be intentionally targeted at~~ the subject's head (especially face and eyes), neck, upper chest (area around the heart), female breasts or groin, or known pre-existing injury area. [3] [5]

Commented [MPD16]: Covered by changes in this section (including where members shall target). Did not include pre-existing injury area.

Officers deploying the CEW in probe mode will endeavor to target the subject's back or front lower-center mass. [4]

Commented [MPD17]: Added this.

4. Cycles in probe mode

When deploying a CEW, officers should energize it for one standard cycle (a standard cycle is five seconds) and ~~shall~~ **must** then pause to evaluate the situation to determine if subsequent cycles are necessary.

- a. In determining whether any additional cycle is objectively reasonable, officers ~~shall~~ **must** consider whether the person has the ability to comply and has been given a reasonable opportunity to comply prior to re-energizing or deploying additional cartridges.
- 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~~ **must** not deliver more than three cycles or 15 total seconds of a CEW (including probe mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.
- d. 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 deploy another cartridge or transition to other control options.
- e. Officers should be aware that a CEW may fail to have the intended effect for a number of reasons: thick clothing, cold weather, probes too close, a probe that misses the target, and many more. The failure of a CEW to accomplish the desired effect ~~must not, by itself, lead to the use of deadly force, if not otherwise~~ **justified**.

Commented [MPD18]: This is covered by force modulation and objectively reasonable, necessary and proportional force.

5. One officer at a time

Only one officer ~~shall~~ **may** intentionally deploy or apply a CEW on a person at one time.

6. Drive stun mode

- a. CEWs should generally be used in the probe mode. Officers ~~shall~~ **must** only apply 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~~ **must** not use the CEW in drive stun mode as a pain compliance technique.
- c. CEWs ~~shall~~ **must** 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 applying the CEW in drive stun mode, officers ~~shall~~ **must** wait a reasonable amount of time between applications to assess effectiveness.
- e. Officers ~~shall~~ **must** not deliver more than 15 total seconds of a CEW (including probe

mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.

7. Control and **Restraint**

- a. A subject receiving a CEW discharge may immediately regain physical or cognitive abilities upon cessation of the delivered CEW discharge. Control and restrain a subject as soon as possible, and be prepared in case the subject immediately recovers. [3]
- b. Begin control and restraint procedures, including during CEW exposure (“cuffing under power”) as soon as reasonably safe and practical to minimize CEW cumulative effects and the total duration of exertion and stress experienced by the subject. [3]

Commented [MPD19]: Added, but called “Quickly control during the cycle.”

Commented [MPD20]: Added similar language.

Commented [MPD21]: Added similar language.

8. Holstering

The CEW ~~shall~~ **must** be holstered on the officer’s weak (support) side to avoid the accidental drawing or firing of their firearm.

9. Separate uses of force

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

D. Loss or Damage

CEWs must be subject to a pre-shift test of function and examination for damage to the CEW itself or issued CEW Cartridges. [5]

Commented [MPD22]: Added a requirement for a function test.

Lost, damaged or inoperative CEWs ~~shall~~ **must** be reported to the officer’s supervisor and to the MPD Training Division immediately upon the discovery of the loss, damage or inoperative condition.

E. Downloading and Inventorying

1. CEW downloading guidelines

- a. The CEW ~~shall~~ **must** be downloaded when used in probe mode or drive-stun mode, prior to the end of the officer’s shift.
- a. The CEW ~~shall~~ **must** be downloaded for any incident that is recorded that the officer believes might have evidentiary value.
- b. If a CEW is used during a critical incident, the CEW will be inventoried by the investigating agency for processing the device log and audit trail.

2. Inventorying cartridges

Officers ~~shall~~ **must** inventory the deployed cartridges and probes (P&P 10-400).

F. 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~~ **must** include the following:

1. Probe removal

- a. CEW probes ~~shall~~ **must** 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~~ **must** be removed by appropriate medical personnel:
 - The officer has assessed the person and determined that there are no indications of lasting effects from the CEW use.
 - 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 CEW use, mechanisms to remove probes with limited pain, and infection control.
- c. If removing probes, officers ~~shall~~ **must** secure the probes (biohazard “sharps”) point down into the expended cartridge and seal with a safety cover.

2. Inspect application sites

- a. When appropriate, officers ~~shall~~ **must** visually inspect probe entry sites or drive-stun locations for signs of injury.
- b. When appropriate, officers ~~shall~~ **must** photograph probe entry sites or drive-stun locations.

3. Continue monitoring

Officers ~~shall~~ **must** 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.

G. 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.

H. Specifications for CEWs

1. Officers ~~shall~~ **must** carry a CEW (if issued) while working in a uniform capacity.
2. 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.
3. The CEW ~~shall~~ **must** comply with the following requirements:

- a. Authorized Brand – TASER®
Authorized Model – X26
Authorized Ammunition – TASER® Brand compressed air cartridges (Department issued only)

Or

- b. Authorized Brand - TASER®
Authorized Model - X2
Authorized Ammunition - TASER® Brand compressed air smart cartridges (Department issued only)

REFERENCES

1. Honolulu Police Department Conducted Electrical Weapon
<https://www.honolulupd.org/policy/policy-conducted-energy-weapon/>
2. Los Angeles Co Sheriffs Department 5-06/0445.00 Conducted Energy Weapon
<https://pars.lasd.org/Viewer/Manuals/12024/Content/21010?showHistorical=True#!>
3. TASER Handheld CEW Warnings, Instructions, and Information: Law Enforcement
4. University of Maryland, Baltimore Police Department Policy 304
https://www.umaryland.edu/media/umb/public-safety/policies/Conducted_Energy_Weapon.pdf
5. IACP Model Policy Electronic Control Weapons March 2018
https://www.theiacp.org/sites/default/files/2020-06/ECWs%20June%202020_0.pdf



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-310 Control Option- Impact Weapons

(xx/xx/24)

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

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to authorized impact weapons and improvised impact weapons.

II. Definitions

- **Impact Weapons** Any object, whether a tool or fixed object (such as a hard surface), that officers use to interrupt or incapacitate a subject. This includes, but is not limited to: fixed batons, collapsible batons, riot sticks, and improvised impact weapons.
- **Imminent/ Imminent Harm:** based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. [1] as well as MPD language in 5-301

Commented [MPD1]: Used a definition that specifies the type, but not what it is used for.

Commented [MPD2]: Added the imminent harm definition from 5-301.

Terms defined in P&P 5-304:

- Carry
- Use

III. Policy

A. Impact Weapons as Intermediate Weapons

MPD approved impact weapons are intermediate weapons **for the purposes of Policy 5-312 (firearms) but can be lethal in certain circumstances.** While having lethal capacity, impact weapons may be considered less-lethal weapons, depending on how officers use the instruments and the targeted part of the body. Strikes to the head, neck, sternum, spine, groin, or kidneys are lethal force.

Commented [MPD3]: Used similar language.

Commented [MPD4]: These uses are limited to deadly force situations.

B. Civil Disturbances and Assemblies

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

C. Conditions for Use

1. Objectively reasonable, necessary and proportional

Impact weapons may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

When using impact weapons, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

Officers may use an impact weapon to guide, escort, or control detained persons exhibiting passive or active resistance as long as they do not use the impact weapon to deliver strikes or jabs. [1]

Commented [MPD5]: This does not seem like it would apply to detained people.

Impact weapons must only be used to strike or jab a subject when the subject exhibits active or aggravated aggression; the officer must articulate the facts and circumstances that justify each and every strike on the person. [1]

Commented [MPD6]: This is covered by imminent harm below.

Once the subject is no longer a threat, the officer must immediately stop striking the subject.

Commented [MPD7]: Covered by modulating force (5-301).

Officers must not use impact weapons to strike a person who complies with commands or who exhibits only passive or active resistance. [1]

Commented [MPD8]: Covered by the imminent harm restriction on strikes. Compliant and passively resisting people do not match the imminent harm threshold (which is defined as "Aggressive or Aggravated Aggressive" resistance/assault).

2. Verbal Warning

An officer must identify as law enforcement [3] and give a verbal warning before using or attempting to use an impact weapon [4] unless to do so would unduly place the officer at imminent risk of death or serious harm, or would create an imminent risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident. This warning will include the specific actions the subject must take to or cease taking to comply with the officer. The officer must have a reasonable basis for believing the warning was heard and understood by the individual to whom the warning is directed prior to using an impact weapon against that subject.

Commented [MPD9]: See 5-301.

3. Restrictions on strikes usage

a. Imminent harm

Impact weapon strikes ~~shall~~ **must** only be used to protect the officer, the subject, or another party from objectively imminent physical harm. **Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.** [2]

Commented [MPD10]: This is covered by the imminent harm definition.

b. Subject Restrictions

Except when the circumstances satisfy the requirements for Deadly Force in officers must not use Impact Weapon to strike a subject if the subject is any of the following: [1]

- obviously pregnant;
- apparently elderly;

- apparently a juvenile;
- visibly frail or has a low body mass;
- under the effects of a medical or behavioral health crisis; or
- Are on an elevated or unstable surface which could cause a fall that could result in a significant impact injury, [5]

Impact weapon use on a handcuffed or restrained subject is authorized only in the rare and exceptional circumstances where all the following apply

- The person displays combative and/or violent behavior;
- The person presents an imminent threat to the safety of the officer or other persons; and
- Lesser means or attempts to resolve the incident such as hands-on arrest or control techniques have failed.

Commented [MPD11]: MPD added a restriction that baton strikes on a handcuffed person is only when deadly force is the only other option.

3. Target areas

~~Officers shall not intentionally use an impact weapon to~~ **Officers must exercise due care to avoid striking a person's head, neck, throat, face, sternum [1], armpit, spine, kidneys, or groin unless deadly force would be justified.**

Commented [MPD12]: Keeping the original language, but added targeted areas as well.

Commented [MPD13]: This was added.

Strikes to the torso, in areas other than the sternum, spine, groin, or kidneys, are permitted when necessary based on the totality of the circumstances but are disfavored due to the increased risk of serious physical injury and the risk of striking a prohibited area. [1]

Commented [MPD14]: This is covered by the targeted areas language.

D. Treatment and Medical Aid

1. Officers must, at the earliest safe opportunity, provide medical treatment at the level of their ~~training.~~
2. 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~~ **must** include visually inspecting the areas struck for signs of injury. ~~when appropriate.~~
3. Officers ~~shall~~ **must** 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.

Commented [MPD15]: Covered by 5-301 and 7-350.

E. Specifications for Batons

1. Every officer shall ~~must~~ carry an impact weapon while working in uniform unless issued a CEW. Impact weapons are optional for employees carrying a CEW.
2. The impact weapon ~~shall~~ **must** comply with the following requirements:
 - a. Authorized Brands – ASP or Monadnock.
 - b. Overall extended length not to exceed 26 inches.
 - c. Black or Chrome finish.

F. Specifications for Riot Sticks

1. Every officer working in a uniformed capacity ~~shall~~ **must** keep a riot stick readily available (e.g. in the squad) for response to civil disturbances when needed.
2. Officers ~~shall~~ **must** only carry the riot stick issued to them by the MPD.

G. Reporting

1. Officers must properly report the use of force with an impact weapon. **When used to strike a person, officers must justify each strike with an impact weapon in their Use of Force Report.** Supervisors must review all such incidents.[1]

Commented [MPD16]: Added this. The rest is covered by 5-302 and 5-303.

REFERENCES

1. Stanford Law school Model Use of Force Beta Release Ch8 Batons and Other Impact Weapons V1.0
<https://law.stanford.edu/wp-content/uploads/2022/11/Batons-Master-Final-Consolidated-Chapter-8-Batons-Nov-11-2022.pdf>
2. Superior WI Police Use of Force Policy 300.1.1
https://www.superiorwi.gov/DocumentCenter/View/13593/Use_of_Force_Policy
3. International Association of Chiefs of Police National Consensus Document on Use of Force 3 Oct 2017
https://www.theiacp.org/sites/default/files/all/n-o/National_Consensus_Policy_On_Use_Of_Force.pdf
4. USE OF FORCE AND DEADLY FORCE MODEL POLICY Minnesota Statutes, Section 626.8452, Subdivision 1
5. Los Angeles Police Department Use of Force – Tactics Directive 17 July 2018
<https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/12/tac-dir-17-40mm-launcher.pdf>



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-311 Control Option- Canines

(xx/xx/24)

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

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to canines, a living animal that is trained to use force, but lacks the thinking capabilities of a person. [1] The use of a police canine is a significant use of force requiring proper legal justification. [2]

Commented [MPD1]: The purpose was replaced by language consistent across the control options.

II. Definitions [1] [2]

~~**Apprehension:** When a police canine physically engages a suspect in an effort to take them into custody.~~

1. *Canine Apprehension:* Gaining control and custody of a suspect that is the direct result or clearly due to the deployment of a canine.
2. *Canine Deployment:* Use of a canine for purposes of finding, apprehending, containing, or controlling a suspect or for other purposes as authorized for canine use by this department. Mere presence of a canine at a crime or incident scene does not constitute a deployment.
3. *Contact:* In the context of this policy: biting, clawing, or any other physical contact, either accidental or intentional for bringing a person into custody.
4. *Disengage:* Canine releasing from a bite due to a verbal command to “out” or caused by physical interaction of the handler with the canine.

Commented [MPD2]: MPD has a different definition.

Commented [MPD3]: MPD has a different definition.

Commented [MPD4]: This is physical apprehension.

Commented [MPD5]: MPD has a different definition.

III. Policy

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Deployment of a police canine constitutes the use of a high level of force that should be reserved for situations that justify this response alternative. The bite of a police canine will normally cause harm to the suspect and can cause significant injury. Handlers are responsible for their canine at all times, including when the canine is off-lead. Any time a handler takes a canine off lead, the handler must be sure that they would be justified in using force on a subject. [1] [2]

Canine ~~apprehensions~~ deployment may only be used when objectively reasonable, necessary, proportional, and with consideration for the severity of the crime in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring an actively resisting person ~~or situation~~ safely under control, or prevent escape (and as described in P&P 5-301). Canine apprehensions must be consistent with standards in *Graham v Connor*. [2]

Commented [MPD6]: This block was replaced.

When officers are aware that an individual is affected by mental illness, is under the severe influence of drugs or alcohol, or has a developmental disorder such as autism spectrum disorder, additional caution in canine deployment will be considered, where reasonably possible. These individuals may not have the ability to comprehend the threat associated with the deployment of a law enforcement canine against them, may fail to comply with orders or not fully understand orders of the canine handler, or may act in an inappropriate or bizarre manner that serves as a signal to the canine to take or continue aggressive action beyond that which would be typically necessary. [2]

Commented [MPD7]: Added language about the inability to comprehend.

Officers must consider the presence of bystanders and the risk to those bystanders as well as other officers when making the decision on canine deployment. [1]

Officers are reminded that they ~~shall~~ must use the lowest degree of force necessary (P&P 5-301).

When using canine apprehensions, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. ~~Deploying canines~~ Canine Deployment:

Commented [MPD8]: This section is under current discussion with the Canine unit.

Canines ~~shall~~ must only be deployed in accordance with P&P 7-807 Authorized Use of Canines.

Before releasing the canine, the handler or other appropriate personnel must make a loud announcement unless doing so would unduly place the officer or others at risk of imminent threat of death or serious harm. The announcement must be repeated at least once. This warning must be repeated on each level of all multilevel structures or when there are barriers present that may inhibit sound. A reasonable amount of time must be allowed for the suspect to respond. [1] [2]

Commented [MPD9]: This is part of 7-807.

In assessing the reasonableness of a use of force involving a canine, consideration will be given to whether warnings and an opportunity to surrender were provided. [2]

Commented [MPD10]: This is part of 5-301.

Canine deployments may only be used if the handler reasonably believes the individual has either committed or threatened to commit a serious offense (probable cause or warrant investigation) and if the following conditions exist: [3]

Commented [MPD11]: Similar language was incorporated.

- There is a reasonable belief based on the subject's actions that the individual intends to harm officers or others and poses an imminent threat of violence or serious harm to the public, any officer, or the handler, AND
- The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance, or
- The individual is fleeing and officers reasonably believe that the individual poses an imminent threat of harm to others if not immediately apprehended, or

- The individual(s) is/are believed to be concealed in an area where entry by a person other than the canine would pose a threat to the safety of officers or the public.

A serious offense can be one of the following:

- Murder
- Aggravated robbery involving a firearm or weapon capable of causing great bodily harm or death
- Kidnapping
- Criminal sexual conduct involving acts of violence
- Aggravated assault with a firearm or weapon capable of causing great bodily harm or death
- Burglary, if the following criteria are met:
 1. Evidence of forced or surreptitious entry,
 2. Indicators of criminal activity consistent with burglary,
 3. A reasonable belief that a suspect is within the building, and Officers reasonably believe that conducting the search without a canine would be dangerous for officers, victims, or uninvolved individuals.

B. Disengaging and Aftermath

1. When canines are used for apprehensions, handlers ~~shall~~ **must** disengage their canines as quickly and safely as possible ~~soon as reasonably possible~~ after the subject is subdued or readily complies with commands. Consideration will be taken that when a subject is actively bitten, the subject may be incapable of hearing, comprehending, or complying with commands ~~able to be controlled or secured~~. For all other canine contact, handlers must immediately disengage their canines. When assessing the reasonableness of a use of force involving a canine, consideration will be given to whether the bite was of a reasonable duration and severity. [2]
2. Whenever a canine has bitten or scratched an individual, or is alleged to have done so, whether or not in the line of duty, the handler must notify a supervisor and perform the following: [2]
 - If no arrest is made, the individual will be offered medical care and treatment by a qualified medical professional.
 - If an arrest is made, the individual will be provided with medical attention in accordance with agency policy on transporting and booking prisoners.
 - Regardless of arrest, the officer must take color photographs of the affected area in compliance with use-of-force reporting requirements.

Commented [MPD12]: This is part of modulating force in 5-301.

Commented [MPD13]: This is covered by the notifications and treatment sections, and 5-303.

C. 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 (P&P 5-301 and P&P 7-350). Any officer, at the earliest safe opportunity, must determine if anyone displays a visible injury or signs of medical distress, has complained of injury or medical distress, or has requested medical attention, and must render medical aid consistent with current training and reflects best practices. [from new 5-301 language]

Commented [MPD14]: See 5-301 and 7-350.

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

D. Notifications

1. The canine handler ~~shall~~ **must** notify the Canine Sergeants immediately after any canine ~~deployment apprehension suspect~~ **resulting in injury, or suspected injury or complaint of injury resulting from canine contact or accidental bite.** [2]
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).

Commented [MPD15]: This is covered by 5-302 (any injury or complaint of injury).

E. 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~~ **must** 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. An on-duty canine supervisor must respond to the scene of any canine apprehension, and review and evaluate the handler's use-of-force report. That report must include the following information.~~ [2]

- Date, time and location of the **deployment.**
- What led the officer to believe the suspect was dangerous (e.g., the crime involved, outstanding warrants, whether the suspect was armed).
- What factors established probable cause.
- Tactics that were employed.
- Names of all involved officers, supervisors, and witnesses.
- Whether the deployment was approved by a supervisor.
- Whether a search or deployment announcement was given and the language used.
- The number of announcements given prior to deployment.
- Number of verbal commands needed for dog to disengage, or if physical intervention was needed to cause canine disengagement.

Commented [MPD16]: This is covered by the notification and review section, and 5-303.

- Time elapsed between the announcement and deployment.
 - Time elapsed between deployment and suspect contact.
 - Distance of the dog from the handler when contact was made.
 - Duration of contact.
 - Any commands given to the canine.
 - Elapsed time between canine contact and officer's arrival at the scene.
 - Actions taken by the officer upon arrival at the scene of contact.
 - Any statements made by the suspect.
 - Manner in which the canine held the suspect, so that any prior injuries are not attributed to the encounter.
 - Copies of any witness statements.
 - Any photographs taken of injuries, aid rendered in response to injuries, where treatment was received and by whom.
 - Any other relevant information.
3. The canine supervisor must review all documentation and gather any additional information necessary to determine whether the deployment and subsequent actions were within department policy. [2]
 4. At least annually, the canine supervisor must compile statistical summaries and analyses of canine deployments and uses sufficient to evaluate canine and handler performance and to identify incidents or trends that suggest the need for modification or additions to policy, procedures, or training. [2]

REFERENCES

1. Guidance on Policies and Practices for Patrol Canines, by Police Executive Research Forum May 2021. <https://www.policeforum.org/assets/Canines.pdf>
2. Model Policy Patrol Canines by International Association of Chiefs of Police IACP Law Enforcement Policy Center Updated May 2015. <https://www.theiacp.org/sites/default/files/2020-06/Patrol%20Canine%20FULL%20-%2006232020.pdf>
3. 462.00 Canine Unit (K-9 Team) by St Paul Police Department



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-312 Control Option- Firearms

(xx/xx/24)

Revisions to prior policies: (10/16/02) (08/17/07) (04/30/15) (04/05/16) (09/08/20)
(12/22/20) (04/04/21) (01/01/23)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to firearms.

II. Definitions

Discharging a Firearm: Discharging a firearm means firing a bullet or projectile from the end or muzzle of the weapon.

Imminent/Imminent Threat: Based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. [1]

Totality of the circumstances: All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

Terms defined in P&P 5-304:

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

III. Policy

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Firearms may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an

Commented [MPD1]: See 5-301.

Commented [MPD2]: See 5-301.

felony arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they shall use the lowest degree of force necessary (P&P 5-301).

Commented [MPD3]: This block was replaced.

When using firearms, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Tactics preceding the discharge of firearms or other deadly force

a. Law enforcement officers shall not contribute to precipitating the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to de-escalate, withdraw, take cover or reposition, rather than the immediate use of force. The evaluation of an officer's use of deadly force will include consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. [2]

Commented [MPD4]: This is covered by the unnecessary risk section in 5-301.

b. If using a firearm as deadly force, an officer must identify as a law enforcement * 5 and give a verbal warning before using or attempting to use deadly force with a firearm *1 unless to do so would unduly place the officer at imminent risk of death or serious harm, or would create an imminent risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident. *7 This warning will include what specific actions the subject must take to or cease taking to comply with the officer. The officer must have a reasonable basis for believing the warning was heard and understood by the individual to whom the warning is directed prior to using deadly force against that subject. [3] [4] [5]

Commented [MPD5]: This is covered by 5-301's section on Identify Self and Warn of Intent.

3. Authorized firearm discharges

The only firearm that may be lawfully discharged by an on-duty officer is a firearm authorized under P&P 3-201 Authorized Equipment and Weapons loaded with MPD issued ammunition under P&P 3-202 City Property – MPD [Issued].

Commented [MPD6]: This is covered by 5-400, which is now referenced at the top.

An officer may **only** lawfully discharge a firearm in accordance with policy in the following circumstances:

a. In deadly force situations,

- **Only when the threat justifying deadly force is imminent.** [6]
- in strict compliance with the Force Guiding Principles policy (P&P 5-301),
- in strict compliance with Minn. Stat.609.066, Subd. 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary to: protect the peace officer or another from apparent imminent death or great bodily harm; 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 where the subject used or threatened use of deadly force; or 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 if the officer believes that the person will cause death or great bodily harm if the person's apprehension is **delayed.**
- In determining whether deadly force is necessary, officers shall evaluate each

Commented [MPD7]: The entire deadly force section from 5-301 has been incorporated into this policy.

Commented [MPD8]: The entire deadly force section from 5-301 has been incorporated into this policy.

situation in light of the totality of circumstances and shall use other available resources and techniques if reasonably safe and feasible. Only if other means remain ineffective or without any promise of achieving the intended lawful purpose, would deadly force would be warranted. [7] [5]

- ~~with a high degree of restraint.~~

- 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.
- To participate in authorized training.
- To participate in any authorized competition or legitimate sporting activity.

4. Prohibited firearm discharges

Officers shall not discharge firearms under the following conditions:

- As a warning or to command attention.
- Against people who present a danger only to themselves.
- Solely to protect property.

5. Shooting at or from motor vehicles

- At moving vehicles

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

- 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.

- 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.

- 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.

Commented [MPD9]: The entire deadly force section from 5-301 has been incorporated into this policy. That section covers this, as well as 5-301's section on objectively reasonable, necessary and proportional force.

~~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.~~

ab. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle. [2]

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.

c. 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:

- A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.
- Bullets discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
- 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.
- 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.
- Such risks, in most cases, weigh against discharging a firearm at or from a moving vehicle.

6. 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.

Commented [MPD10]: This is in conflict with [aa]. MPD is keeping [ab].

7. 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 **there is a substantial risk 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.
- c. **The officer shall, when safe and when appropriate, advise the subject the reason why the officer(s) pointed the firearm.** [2]

Commented [MPD11]: This was changed to "there is an objectively reasonable belief."

Commented [MPD12]: This is partially covered by 5-301's Identify Self and Warn of Intent, but the explanations may conflict with giving commands.

B. Carry an Intermediate Weapon

While on-duty or while engaged in off-duty work, uniformed officers who are carrying a firearm shall carry on their person at least one intermediate weapon (P&P 5-301).

C. Treatment and Medical Aid

Officers ~~shall, must as soon as reasonably practical~~ **request medical assistance and must, at the earliest safe opportunity,** provide medical treatment **at the level of their training.** to any person who is shot, in accordance with P&P 5-301 and P&P 7-350.

Commented [MPD13]: See 5-301 and 7-350.

Leadership shall ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment. [5]

Commented [MPD14]: Currently, the BCA handles the investigation and notifications.

D. Duty to De-escalate, Intervene and Report Misconduct

- 1. Officers must have an understanding of, and a true appreciation for, their authority and limitations when using deadly force. [1]
- 2. When any officer chooses to use a firearm in a use of force situation, all other officers have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics except when not feasible, to minimize the need to use force. [language from 5-301].
- 3. If witnessing another officer using a firearm when engaging in or attempting to engage in force not objectively reasonable, or otherwise violates law or policy or failure to de-escalate, officers shall intervene when in a position to do so to end or prevent the further use of excessive force.
- 4. Officers who witness misconduct involving a firearm committed by another officer or who had a good faith reasonable belief that another officer committed misconduct, including any prohibited or unreasonable force, or failed to de-escalate when feasible in a situation that resulted in the use of a firearm shall report such misconduct to the witnessing officer's supervisor or other command staff.
- 5. Officers who witness misconduct involving a firearm are required to participate in any investigations into that misconduct.

Commented [MPD15]: This is covered the language added at the top of the Deadly Force section.

Commented [MPD16]: The member using a firearm also has those same duties, as covered in 5-301 and 7-802.

Commented [MPD17]: See 5-301.

Commented [MPD18]: See 5-301.

Commented [MPD19]: See 5-301.

E. Notification of Firearm Discharges Use

- 1. Officer responsibility

Any officer 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:**

- During training, testing or legal recreation purposes.

Any pointing of a firearm at a subject, whether on or off duty, will be considered a reportable use of force, and the officer shall report according to policy 5-302.

Commented [MPD20]: The "off-duty" in this section above applies when members are not working. Pointing in those circumstances is not a reportable use of force (when outside of a law enforcement context).

2. Supervisor responsibility

- a. The supervisor shall respond to any scene in which an officer 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 officer'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.

Commented [MPD21]: Covered by 5-302.

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.

F. Required Written Reports

1. All officer firearm discharges that require notification, other than Critical Incidents, shall be reported in a Police Report, including a Narrative Text, by the officer involved and the supervisor who was notified. The report shall include the code "DISWEAP."
2. The officer 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.

G. Specifications, Training and Other Requirements

Specifications, training requirements and other requirements for firearms can be found in

P&P 5-400.

REFERENCES

1. Superior WI Police Use of Force Policy 300.1.1
https://www.superiorwi.gov/DocumentCenter/View/13593/Use_of_Force_Policy
2. LAPD Policy/Philadelphia PD Policy as reported by Campaign Zero
<https://archive.campaignzero.org/static/static/55ad38b1e4b0185f0285195f/t/5deffeb7e827c13873eaf07c/1576009400070/Campaign+Zero+Model+Use+of+Force+Policy.pdf>
3. International Association of Chiefs of Police National Consensus Document on Use of Force 3 Oct 2017 https://www.theiacp.org/sites/default/files/all-n-o/National_Consensus_Policy_On_Use_Of_Force.pdf
4. USE OF FORCE AND DEADLY FORCE MODEL POLICY Minn. Stat. 626.8452, Subd. 1
5. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Sept 1990
6. Santa Cruz Police Department Ch. 8: Use of Force Purpose
7. LAPD Office of the Chief of Police Special Order
<https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/09/special-order4-use-of-force-revised.pdf>
- 8.



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-313 Control Option- Chemical Munitions (10/16/02) (08/16/07) (xx/xx/24)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to chemical munitions.

II. Definitions

40mm Round: The 40mm round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of a subject.

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

Chemical Agents: Chemical irritants including CN/Chloracetophenone, OC/Oleoresin Capsicum, CS/Orthochlorobenzalmalononitrile or combinations of these chemical agents, or similar classes of chemical irritant. [1]

Terms defined in P&P 5-302:

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

Terms defined in P&P 7-805:

- Assembly
- Civil Disturbance
- Crowd Control Purposes

III. Policy

A. Civil Disturbances and Assemblies

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

B. Conditions for Use

Commented [MPD1]: Added a similar definition. CN was not included as it is no longer authorized by MPD.

Commented [MPD2]: Did not include this, as all use in those situations is directed to 7-805.

1. Objectively reasonable, necessary and proportional

Chemical munitions may only be used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

When using chemical munitions, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorization

When not used for crowd control purposes or during civil disturbances (P&P 7-805), chemical munitions may only be used on a subject, surface or structure in one of the following situations:

- a. For life-saving purposes.
- b. When the use of 40mm rounds containing OC or CS is approved by a SWAT supervisor for an occupant of a vehicle who is armed with a firearm or reasonably believed to be armed with a firearm and refuses to exit the vehicle following a lawful command to do so (P&P 5-307).
- c. When approved by the Deputy Chief of Patrol or higher.

~~Method of use~~ Method of use logically follows considerations, and has been relocated to #4

Commented [MPD3]: Kept method of use where it is, as it is the "how" of use.

3. Consider risks and other means of control

Prior to using chemical munitions, officers ~~shall~~ **must** consider:

- a. The risks to any person who may **be** inside **the** structure or vehicle, and to any person outside who might also be exposed. **Officers will exercise due care to ensure that only intended persons are subject to the application of chemical agents [1]**
- a. **Officers will avoid use where sensitive population groups (including but not limited to those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, suffer from respiratory issues, or users of a cardiac pacemaker) are likely to be exposed to the chemical agent [2], unless use of chemical agent is needed to immediately preserve the life of officers, victims, or bystanders.**
- b. Whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public.
- a. **Warning required Prior to using or attempting to use Chemical Munitions**
 - **An officer must identify as law enforcement [4]**
 - **Give a loud verbal warning of intended use of chemical munitions to the subject. This warning must include what specific actions the subject must take to or cease taking to comply with the officer and avoid being exposed**

Commented [MPD4]: Added a reference to 5-301's Vulnerability of the Subject.

Commented [MPD5]: Incorporated a warning section, and the announcement requirement for impact projectiles containing chemical agents.

to the chemical munitions.

- The officer must have a reasonable basis for believing the warning was heard and understood by the individual to whom the warning is directed prior to using an impact weapon against that subject
- Officers must allow a reasonable amount of time for a person to comply with a warning
- The need to give warning must only be superseded in the following situations
 - to give warning would unduly place the officer or others at imminent risk of death or serious harm,
 - if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. The surprise/tactical element must still be needed at the actual time of discharge for this exception to remain relevant [4]

4. Method of use

The chemical munition may be used in one of the following ways:

- a. Directed away from the person's location as a distraction.
- b. Directed at a surface such as a window, structure or vehicle, to deliver chemical agents to an area.
- c. ~~The only chemical munitions that can be directed at a subject when the chemical munitions are 40mm rounds containing OC or CS and are used in accordance with P&P 5-307.~~ Directed at a subject when the chemical munitions are 40mm rounds containing OC or CS and are used in accordance with P&P 5-307.
- d. ~~Officers must exercise due care to avoid the impact projectile striking a person's head, neck, throat, face, sternum, armpit, spine, kidneys, or groin unless deadly force would be justified.~~
- e. ~~Under no circumstances will chemical munitions or the associated impact projectile launcher be displayed, drawn, or used as a means of interrogation, coercion or punishment. [3]~~

Commented [MPD6]: Modified to state that this applies when they are intended for direct impact.

Commented [MPD7]: This is covered by the impact projectile policy.

Commented [MPD8]: Covered in 5-301.

C. Treatment and Medical Aid

1. ~~Officers must, at the earliest safe opportunity, provide medical treatment at the level of their training.~~
2. 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~~ must include as many of the following as possible:
 - Removing the affected person from the area of exposure. Keep chin up to keep airway clear and blow nose
 - Exposing the affected person to fresh air.
 - Rinsing the eyes and skin of the affected person with cool water (if available).

Commented [MPD9]: See 5-301 and 7-350.

NOTE: Make sure this section is consistent with the other chemical policies such as aerosol spray

Commented [MPD10]: Modified it to match chemical aerosols.

3. Officers ~~shall~~ **must** keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel.
4. An officer transferring custody of a person exposed ~~shall~~ **must** inform the entity accepting custody that the person was exposed to a chemical agent.

D. Only for Use by SWAT

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

E. 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.

F. Canister Removal

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

G. Documentation

Officers ~~shall~~ **must** document use of chemical munitions as a use of force in accordance with the policy on reporting force (P&P 5-302).

H. Training Required

Chemical munitions ~~shall~~ **must** only be used by officers who have successfully completed approved training.

I. Specifications for Chemical Munitions

MPD officers are only authorized to use chemical munitions that are issued by the department. **No officer will modify, alter or cause to be altered an approved chemical munition in his or her possession or control.** [1]

Commented [MPD11]: Added this.

REFERENCES

1 USE OF FORCE AND DEADLY FORCE MODEL POLICY Minnesota Statutes, Section 626.8452, Subdivision 1

2 Massachusetts Department of Correction POLICY 103 DOC 509 OC, CHEMICAL AGENTS, SPECIALTY IMPACT MUNITIONS/DISTRACTION DEVICES, BATONS, AND ELECTRONIC CONTROL DEVICES

<https://www.mass.gov/doc/doc-509-oc-chemical-agents-specialty-impact-munitiondistractiion-devices-batons-and-electronic-control-devices/download>

3 Providence Police Department General Order Less-Lethal Munitions \$ 40mm Launcher

4 International Association of Chiefs of Police National Consensus Document on Use of Force 3 Oct 2017 [https://www.theiacp.org/sites/default/files/all/n-o/National Consensus Policy On Use Of Force.pdf](https://www.theiacp.org/sites/default/files/all/n-o/National%20Consensus%20Policy%20On%20Use%20Of%20Force.pdf)

5 Los Angeles Police Department Use of Force – Tactics Directive 17 July 2018 <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/12/tac-dir-17-40mm-launcher.pdf>



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-314 Control Option- Flash Sound Diversionary Devices (10/16/02) (08/16/07) (xx/xx/24)

I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and 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, is a low explosive device that [2] 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.

Commented [MPD1]: The manufacturer term is "deflagrate." Added that.

Terms defined in P&P 5-302:

- Carry
- Use

III. Policy

A. Civil Disturbances and Assemblies

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

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

FSDDs may only **be** used when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, ~~make enable~~ an arrest, **facilitate a lawful entry** [1] ~~bring a person or situation safely under control, or prevent escape~~ (as described in P&P 5- 301). Officers are reminded that they ~~shall~~ **must** use the lowest degree of force necessary (P&P 5-301).

Commented [MPD2]: This block was replaced.

When using FSDDs, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. FSDDs must not be deployed directly onto a person unless deadly force is justified [2]

Commented [MPD3]: Added language similar to this.

3. Authorization and supervision

a. FSDDs shall ~~shall~~ must 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.

b. The SWAT Commander or their designee shall ~~shall~~ must distribute and supervise the use of the devices, and must collect unused devices upon completion of training or end of incident.

c. The SWAT Commander will ensure all personnel will operate FSDDs with the applicable federal and state law. The Swat Commander will ensure adherence to rule ATF 2009-3 Storage of Explosive Materials and under ATF rule 2012-4 will be the only individual allowed temporary storage of FSDDs in their police vehicle with an ATF approved storage device. (BATF Federal Explosives Law and Regulations, Subpart K-Storage, S 555.201- 555.217) [3] [4] [5]

Commented [MPD4]: Added the requirement that they be stored in accordance with federal regulations. That covers [b] as well.

d. Following ATF regulations on storage and handling greatly reduces the risk of harm to both officers and the public from accidents related to the use of FSDDs.

C. Justification for use [1]

Commented [MPD5]: Added a similar list.

- 1. Barricaded subject and/or hostage situations
- 2. High-risk warrant services
- 3. Circumstances wherein distraction of violent suspect(s) is believed necessary to facilitate apprehension/custody
- 4. Disruption of an active shooter or prevent such a situation
- 5. Situations wherein the Incident Commander or on-scene Supervisor deems their use necessary to safely resolve the incident. *1

D. Deployment Considerations [1]

1. Prior to deploying flash/sound diversionary devices, personnel must consider available information and circumstances. Factors that warrant against deployment of FSDDs include the presence of young children, areas commonly used by children, elderly persons, the presence of oxygen tanks or flammable materials such as fuels, or the presence of small loose objects. Circumstances may indicate that exterior deployment is preferable to deployment on the interior of a structure. Whenever possible, devices should be deployed to an area visible to the deploying officer. [1] [5]

Commented [MPD6]: Covered by another addition.

2. Unless other aggravating factors would reasonably justify their use, DDs must not be used when any of the following conditions or circumstances are present: [2] [5]

Commented [MPD7]: Added a similar list.

- a. Within the confines, or in the immediate vicinity, of a known or suspected narcotics lab
- b. In an indoor environment within which there is a significant concentration/quantity of flammable liquids, explosive gases, or hazardous materials storage areas
- c. When there are known infants or elderly persons present.
- d. To disperse a protest
- e. Where they pose a risk to preservation of evidence [6]

E. ~~Extinguisher Available~~ Safety Equipment

All personnel carrying flash/sound diversionary devices in an actual incident or situation must wear fire-retardant gloves. Eye protection and hearing protection must be worn during training exercises, and should be worn for all non-training deployments by all personnel in the vicinity. [1] [2]

Because flash/sound diversionary devices have the potential to ignite flammable materials, [1] when the device is used, one member of the entry team ~~shall~~ must carry a dry chemical extinguisher for use in the event of a fire.

Commented [MPD8]: Safety equipment for personnel is not included in the policy. Training equipment is covered by training materials.

Commented [MPD9]: The requirement to have the fire extinguisher covers this.

F. Treatment and Medical Aid

Officers ~~shall provide any necessary medical treatment in accordance with P&P 5-301 and P&P 7-350.~~ must, at the earliest safe opportunity, provide medical treatment at the level of their training.

Commented [MPD10]: See 5-301.

G. Documentation

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

Flash/sound diversionary devices are registered by serial number with the Bureau of Alcohol, Tobacco, and Firearms (ATF). The National Firearms Act requires the Department to notify ATF upon the use/expenditure of flash/sound diversionary devices. The SWAT Commander is responsible for submitting written notification to ATF when all devices listed on a single ATF form 5 have been used/expended/liquidated. [1] [5]

Commented [MPD11]: These rules are covered external to the policy.

H. Training Required

1. Only personnel trained in the use of these devices ~~shall~~ may deploy them.
2. Department approved training ~~shall~~ must include the nomenclature, mechanical operation, and tactical deployment of FSDDs.
3. All members of SWAT ~~shall~~ must 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.

I. Specifications for FSDDs

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

REFERENCES

- 1 Azusa Police Department Policy Manual https://azusapd.org/images/Policies_Procedures/417_Flash-Sound_Diversinary_Devices.pdf
2. Clay County Sherrif's Office policy 304 <https://www.sheriffclayco.org/media/0eiltpmk/304-flash-sound-diversionary-devices.pdf>
- 3 Lawful storage of flash/sound diversionary devices for state and local law enforcement agencies: A six-year project By Don Whitson <https://ntoacommandcollege.org/wp-content/uploads/2019/02/Lawful-Storage-of-FSDDs-article.pdf>
4. 6 Safety Considerations for Flashbangs. March 18, 2011 • Major Steve Ijames <https://www.police1.com/officer-safety/articles/6-safety-considerations-for-flashbangs-bBqBroyFbvPiHGnD/>
5. New Smyrna Beach Police Department, New Smyrna Beach, Florida Policy And Procedure Directive - Flash/ Noise Distraction Devices Revised 1/2022. <https://www.cityofnsb.com/DocumentCenter/View/8657/17-10-Flash-Noise-Distraction-Devices?bidId=>
6. Whatcom County Sheriff's Office Directives System Force Option – Noise-Flash Diversionary Devices <https://www.whatcomcounty.us/DocumentCenter/View/72076/Force-Option---Noise-Flash-Diversinary-Devices>

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: xx xx, 2024	DATE EFFECTIVE: xx xx, 2024	NUMBER: SO24-0xx	PAGE: 1 of 3
TO: Distribution "A"		RETENTION DATE: Until Rescinded	
SUBJECT: Manual Revision – 7-350 Emergency Medical Response		APPROVED BY:	

MP-8806

Introduction: This policy is being updated to clarify that the prohibition on suggestions or requests regarding medical courses of action includes suggesting or directing sedation, to incorporate the Chief's Memo regarding swallowed narcotics (CM24-016) and to incorporate the supervisor notification and review of in-custody injury or illness incidents.

The related language is being removed from P&P 5-302.

Effective with the issuance of this Special Order, Section 7-350 of the MPD Policy and Procedure Manual ~~shall~~ **must** be amended as follows:

7-350 Emergency Medical Response
(06/18/18) (xx/xx/24)

I. Purpose

The purpose of this policy is to ~~lay out~~ **outline** the roles and responsibilities of MPD ~~members~~ **employees** in MPD incidents involving a medical emergency.

Commented [MPD1]: Changed to "describe."

II. Policy

A. Acute Medical Crisis

~~A. MPD members employees shall~~ **must** request emergency medical services (EMS) as soon as practical if any ~~member employee~~ has come into contact with ~~a person an individual~~ having an acute medical crisis and any delay in treatment could potentially aggravate the severity of the medical crisis. ~~or as otherwise required by policy.~~

1. While awaiting EMS, MPD ~~members employees~~ assisting a ~~person an individual~~ having an acute medical crisis ~~shall~~ **must** provide any necessary first aid consistent with MPD training, as soon as practical.
2. Naloxone (Narcan) ~~shall~~ **must** be administered only in accordance P&P 7-348.

B. Non-Acute Medical Crisis

~~B.~~MPD ~~members employees~~ assisting ~~people individuals~~ who are not in an acute medical crisis but may need medical attention ~~shall~~ **must** offer EMS response, and ~~shall~~ **must** document the offer and answer in a ~~Police Report-report~~, or if no report will be made via added remarks in CAD.

C. Medical Courses of Action by Medical Personnel

~~C.~~MPD ~~members employees~~ ~~shall~~ **must** not make any suggestions or requests regarding medical courses of action to be taken by any medical personnel. Determinations ~~made by medical personnel~~ regarding medical courses of action must be clearly made **only** by medical personnel.

1. MPD ~~members employees~~ ~~shall~~ **must** provide medical personnel with ~~any necessary~~ information related to the ~~subject person~~'s observed or known conditions and behaviors, ~~so the~~ **to enable** medical personnel ~~to can~~ conduct a quick and accurate assessment and determine the best medical course of action.
2. MPD ~~members employees~~ ~~shall~~ **must** provide medical personnel the names of any MPD ~~members employees~~ who provided first aid or assisted with a person's care, so that notifications can be made to involved ~~members officers~~ of possible exposure to any pathogens discovered through further medical examination.
- ~~3.~~ ~~Members are prohibited from suggesting or directing sedation to anyone, for any person for any reason, including any person who is acting agitated, disorganized, or behaving erratically.~~

Commented [MPD2]: MPD is keeping the original language as it is Settlement Agreement language, but corrected "for any reason."

D. Canceling EMS

~~D.~~MPD ~~members employees~~ responding to incidents where EMS has already been requested ~~shall~~ **must** not cancel EMS unless the ~~members employees~~ determine that the call was unfounded or the ~~subject person~~ is no longer at the scene.

E. Swallowed Narcotics

1. If an MPD member has a reason to suspect that a person in their custody swallowed narcotics or may have narcotics in their mouth, the member shall must request an EMS response as soon as practical.
2. If an MPD member receives information that a person in their custody previously swallowed narcotics (including information from the person), MPD members shall must either bring the person to a hospital for evaluation or immediately request EMS response.
3. If a person in MPD custody shows signs or symptoms of having swallowed narcotics, members shall must immediately request EMS response and provide any necessary treatment and until EMS arrival response in accordance with the rest of this policy and P&P 7-349.

Commented [MPD3]: This clause was changed and moved to #3, with language added clarifying that it applies to situations when a person in custody is not showing signs or symptoms but tells the MPD member that they previously swallowed narcotics. The required actions will happen as soon as practical. If the person shows signs or symptoms, then the other clause with immediate response applies.

Commented [MPD4]: Added immediately and reworded to capture the suggestion.

F. Supervisor Notification and Review

1. Injuries or illness caused by force, including by use of handcuffs, shall must be reported and reviewed in accordance with P&P 5-302 and P&P 5-303, including injuries caused by handcuffs.
2. When a person who is in MPD custody suffers an illness or injury that was **not** caused by use of force, the MPD member shall must notify their supervisor.
3. When notified of an in-custody injury or illness that was **not** caused by force, the supervisor shall must do all of the following:
 - Respond to the scene or to the hospital.
 - Review the incident to determine or confirm how the illness or injury occurred.
 - Complete the Injury or Illness Supervisor Review template.
4. In custody illnesses and injuries include, but are not limited to, vomiting, loss of consciousness, injuries the person causes to themselves, etc.
5. If the person says they swallowed narcotics (or a similar substance) and is brought to a medical facility for evaluation, the supervisor notification and review is not required unless the person exhibits signs of injury or illness or receives medical treatment beyond evaluation.

Commented [MPD5]: Added this in parentheses.

Commented [MPD6]: Did not remove this, as MPD felt it was important to remind members of some of these examples.

G. Arrests and Detention

~~F.~~ Arrest or detention of ~~people~~ individuals receiving treatment under this policy shall must also be in accordance P&P 9-108 (Arrest or Detention of Injured Adults).

H. Documentation

~~F.~~ MPD ~~members~~ employees shall must document in a report any assistance provided to medical personnel regarding the medical crisis, including actions taken by ~~the MPD members~~ employees, the effects of those actions on the ~~person receiving treatment~~ subject, and the outcome of the situation. Any physical control applied by MPD ~~members~~ personnel should be reported in accordance with the P&P ~~5-302 5-306~~ Use of Force- Reporting and Post-Incident Requirements.



Minneapolis Police Department Policy and Procedure Manual

Number:
7-800

Volume Seven – Field Operations

Tactical Response

7-801 Critical Decision Making and Threat Assessments (xx-xx-25)

I. Purpose

The purpose of this policy is to create a standardized process to evaluate situations that members encounter. The goal of the process is to maximize the likelihood of positive outcomes for all involved.

By training all members to this standardized process, the MPD seeks to instill the principles of critical thinking, the Duty to De-escalate (P&P 7-802), the principle of Avoiding Escalation and Unnecessary Risk (P&P 7-802), and to pursue the Department’s Mission, Vision, Values and Goals. Critical decision making will be utilized as a guide in all values-based decisions, particularly those which entail critical activities such as the use of force, police pursuits or other decision points that hold potential to significantly impact the Department or community. (1)

Commented [MPD1]: Split into two sentences.

Commented [MPD2]: The model should be applied to all situations. Added "all" to the intro paragraph to emphasize that point. To reflect the importance of the values, language was added that the model "embeds" the Mission, Vision, Values, and Goals" in the decision-making process.

II. Definitions

Critical Decision-Making Model: The critical decision-making model is a thought organization tool that allows members to organize situational factors and inform their decisions as they respond to police incidents of all degrees of complexity. All sworn members are trained in using the critical decision-making model.

Definitions moved to beginning for consistency with other policies.

De-escalation: Techniques and tactics to reduce the intensity of a situation. These strategies serve to preserve life and promote member safety by enabling members to resolve situations without the use of force or with the lowest degree of force necessary.

Disengagement: Withdrawing from the person or situation. Disengagement can be tactical or physical.

Tactical disengagement: Tactical 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.

Physical disengagement: When physically engaged with a subject, disengagement is breaking contact or physically creating space between the member and the subject to allow for reassessment of the situation.

Imminent Threat: A threat is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause harm. An imminent threat is not merely a

fear of future harm, no matter how great the fear, and no matter how great the likelihood of harm.

Tactical Positioning: A member’s attempts to place themselves in the best tactical position possible to reduce unnecessary risk, plan for contingencies, to de-escalate the situation, and to allow for implementation of the critical decision-making model.

Totality of the Circumstances: All facts known to the sworn member at the time, including the conduct of both the sworn member and the person leading up to the action (such as the use of force).

III. The Critical Decision-Making Model

A. Introduction to the Concept

The critical decision-making model (CDM) outlines a member’s thought process when performing any police function. It provides structure and vocabulary to describe a natural process, so that members can better understand how they make their decisions, without jeopardizing member safety or their ability to take immediate action.

- The CDM is **not** a checklist or worksheet that members need to complete after calls or incidents. Members should see it as a visual reminder of the steps they naturally take to make decisions.
- The CDM outlines five **steps elements** (alternatively use the term “phases”) that are part of the decision-making process and that are guided by a set of core values.

(The term “steps” implies doing something once and then moving on to the next step. The five elements or phases of CDM are, in some cases, specifically listed as being continual such as ‘gather information’ or are, by their nature, never complete and ever-changing such as ‘assess risks.’ While the language of each element makes clear the actions are ongoing, calling these steps will lead to confusion or situations where officers ignore new information or changes in risk because they ‘are already at step 4 or 5’ of the process.

- It may not always be possible to segregate thinking or response according to each element of the model. In such cases, the main priority of decision makers is to act with integrity to protect and serve the public. (2)

Commented [MPD3]: Kept the term “Steps” as it is from the relevant training materials. Added language to this section to emphasize the non-linear nature of following the steps.

Commented [MPD4]: Did not include this, as training emphasizes the universality of the model.

B. The Critical Decision-Making Model Core

The middle or “core” of the CDM represents the overall philosophy of the MPD and helps to guide the actions of members in all situations. These principles should be at the core of members’ considerations and decisions in each of the five **steps elements**.

The core of the CDM includes:

- Sanctity of Life (P&P 5-301).
- Mission, Vision, Values, Goals (found in the Preface of the P&P Manual).

- Procedural Justice (P&P 5-109).

We suggest looking at citation 1 to see how they have taken six department guiding principles and laid out how each should be thought about in context of CDM. This policy should include specific items from the three listed sources and better explain how the elements of CDM should be applied. Citation 3 also lays out a core of CDM based on Police Ethics, Agency Values, Concept of Proportionality, and Sanctity of Life

Commented [MPD5]: Kept the three core items from the draft. Proportionality is too force-specific- the use of the CDM in determining proportionality and necessity of force is referenced in the use of force policy.

C. Steps Elements of the Critical Decision-Making Model Process

Commented [MPD6]: Did not add this, as it is referenced as the CDM.

Note – The purpose statement references duty to de-escalate, however, directives to consider de-escalation are lacking in this policy.

Commented [MPD7]: Added explicit reference to de-escalation in "Assess risks."

1. Gather information

- Members will continually receive collect [Collect is an active process, receive is a passive process. Offices need to actively gather information not wait for it to be dropped in their laps] and process information as they apply each step element of the CDM.
- Members must actively query others when available (dispatchers, supervisors, other responders) for what more can be learned about the incident or previous incidents involving this location, person, or situation. (3) If the member isn't getting the information needed, keep asking/probing. (4)
- Separating facts from assumptions is the foundation of effective decision making. Try to turn assumptions into facts. It is always better to act on facts. (4)
- This includes assessment of the completeness, accuracy and credibility of information. Members should consider the information of this incident, information from previous incidents, and the sources of the information.
- Key questions members should ask themselves: What is happening or has happened? What do I know so far about this incident? What else do I need to know? What do my training and experience tell me about this type of incident? (1) What further information do I want/need at this moment? (2)
- For a member enroute to a call, this process should begin as one is making their way to the scene by querying their own experience and collecting information from all available sources. (1)

Commented [MPD8]: Changed to "gather." Some information is proactively collected, and some is passively received as the result of other people's actions.

Commented [MPD9]: These are training points.

Commented [MPD10]: This might lead to confirmation bias. Training will include the emphasis on challenging assumptions by looking for facts.

Commented [MPD11]: Added this question as an example.

Commented [MPD12]: This is covered by the first question. Training will expand on the examples.

Commented [MPD13]: Added the last question in the list as an example, which covers this question.

Commented [MPD14]: Added this question as an example.

Commented [MPD15]: Added this question as an example.

Commented [MPD16]: This will be covered in training.

2. Assess risks

- In assessing risk, the member should must consider whether there is an immediate need to take action to address a threat of imminent harm (see section [III-A-3]), or if the member can slow down and stabilize the situation (see P&P 7-802). The member must also consider the use of de-escalation to slow down the situation and reduce risk.
- Members should must consider the likely potential risks, and the severity of those risks (1, 2) of in taking or not taking the action, including risks to members, suspects or arrestees, victims, and the public.

Commented [MPD17]: The policy will continue to use "should." This policy explains the model- the firmer language is in other policies such as use of force.

Commented [MPD18]: Combined this sentence with the first sentence.

Commented [MPD19]: Added similar language to this.

- Members ~~should~~ **must** consider whether the assessment suggests additional resources may be necessary to assist in handling the situation, **if the member is the appropriate person to address the situation, (2) whether the situation requires a supervisory response to provide additional planning and coordination (3), and whether this is a situation that is more appropriate for other agencies to manage. (3)**
- Members may be summoned to situations that fall outside of the expertise or skill set of law enforcement such as a chemical spill, electrical emergency or mental health crisis. **In those instances, they should take direction from the appropriate authority and prepare to help with tasks such as scene safety, traffic control or other efforts within their skill set and lawful authority.**

Commented [MPD20]: These points are part of training, but added some questions as examples that capture some of these points as well.

Commented [MPD21]: This is covered by the previous bullet, and will be expanded on during training.

3. Consider authority to act

- Members must consider how applicable policies and laws authorize or restrict their actions, based on the totality of the circumstances (including the information they have gathered).

4. Identify options

- Members ~~should~~ **must** identify what **specifically (1) they are trying to achieve, and what narrow the available (1,3) options are available to best (1,3) facilitate that outcome.**
 - A key component of this step is determining if one has enough information and resources and a need to act right away (1,2,3) or if getting more information and resources would produce a better outcome (1,2,3).
 - Continuing to communicate with the subject will almost always be an option (4).
- **Members must consider limits of information on hand (2), amount of time available (2), complications that may arise (1,2), changes to the situation (1,2), subject’s reaction (1,2), and contingencies if action does not play out as anticipated (1,2).**
- Members ~~should~~ **must** consider, based on the assessment of risks and consideration of their authority to act, **the proportionality, and the necessity (1) of the considered action, if immediate action is needed or if there is time for de-escalation (1) as well as whether tactical disengagement may be appropriate (P&P 7-802).**

Commented [MPD22]: Covered by other language.

Commented [MPD23]: Covered by language about selecting the best option.

Commented [MPD24]: Added.

Commented [MPD25]: Added this consideration.

Commented [MPD26]: Did not add this. Added example questions that include assessments about whether there is more time available before needing to act.

Commented [MPD27]: These are all training points.

Commented [MPD28]: This is covered by use of force policies.

Commented [MPD29]: Added example questions that include assessments like this.

Commented [MPD30]: Covered by an addition in assess risks.

NOTE: This policy makes no mention of proportionality and ethical elements of the options being considered. This is the source of some of the changes suggested in this identify options element include the acronym PLANE : is the response Proportional? Lawful? Authorized? Necessary? Ethical? (1)

5. Act; review, reassess

- **Act** - Implement the option with the greatest likelihood of successfully delivering the desired outcome and the least potential for harm (1,2,3) to the community and officers.
- **Review** - After taking appropriate action, members should monitor and (1,2) assess whether the action achieved the intended outcome and whether the action generated new information.
- **Reassess** – If the desired outcome has not yet been achieved or the incident is continuing, apply the elements of the CDM again. (1,2) If the incident is resolved, members should review their decisions using the CDM model as a guide. If documentation is required, CDM will provide a useful framework for articulating the member’s decisions and actions. (1)

Commented [MPD31]: Added example questions in identify options that include this.

Commented [MPD32]: Did not add this. But added example questions that address similar points.

Commented [MPD33]: Added a question that ties the action to the other steps again and the spinning the model section.

D. Spinning the Model

Information collection is ongoing. As new information becomes available, members should “spin the model,” re-assessing the new information and fine tuning their decision-making through the steps elements of the CDM.

NOTE – in all the other versions of CDM, “spinning the model” is integrated into step/element 5. Citation 4 specifically uses the term “spinning the model” but it’s in section 5, not a separate function. Consider making this a bullet point under 5.

Commented [MPD34]: Kept this section, as it is specifically part of the relevant training materials.

IV. High-Risk Threat Response

Generally, Members (including non-tactical members involved in initial response) can apply the CDM and use the following strategies in addressing high-risk threats.

Why generally? When would members not apply the CDM. Why would non-tactical members who are not the initial responding officers not also use CDM? They may be deferring to tactical members and/or the first-on-scene, but they should still be applying CDM to whatever element of the situation they are involved in.

Commented [MPD35]: Moved the term "generally" here. Kept "involved in initial response" to emphasize that members who are not part of a tactical team may still be involved in a high-risk response, especially initially.

Commented [MPD36]: Moved the use of "generally" to reflect that the CDM can be used, and it's the strategies below that are related to the term "generally."

A. High-Risk Threat Assessment

The purpose of a high-risk threat assessment is to evaluate the nature of a volatile and potentially dangerous situation and determine the best course of action to uphold the sanctity of life.

The following categories can be generally used to evaluate the urgency of action in addressing threats:

1. Isolated

A threat is isolated when the person or people who pose a threat of harm are known to be alone and do not currently pose an imminent threat to the public.

2. Developing

A threat is developing when the person or people who pose a threat of harm are in the presence of others, and there is an elevated risk of harm to those nearby. The person or people who pose the threat have the present ability and opportunity to harm those nearby, but the threat is not imminent.

3. Immediate

A threat is immediate when actions of a person or people create a threat of imminent harm to others. The person or people have the present ability, opportunity, and the apparent intent to harm those nearby. An immediate threat requires action by members without delay.

B. Resource Organization

After assessing the threat, members should consider the following tactics or actions:

- Creating or strengthening the perimeter of the incident to further isolate the person or people posing a threat.
- Identifying safe routes for moving resources to and from the scene.
- Evacuating the surrounding area of people who might be in danger, to the extent reasonably possible.
- Maintaining clear communication:
 - Between members.
 - With any additional resources on scene.
 - With the person or people posing a threat, when appropriate.

1. Building teams

As resources arrive or become available, teams should be organized **(by whom?)** to handle a variety of tasks and functions. Teams should be formed to prepare for addressing the different categories of potential threats, including but not limited to:

- Immediate response teams.
- Perimeter teams.
- Evacuation teams.

2. Task organization

When establishing teams, functions should be assigned to account for actions and capabilities that may be needed to address the threat categories. These functions may include:

- Primary communicator.
- Arrest and control.

Commented [MPD37]: Covered by training. The organizer may be different depending on the situation.

- Intermediate weapons (P&P 5-300).
- Ballistic shields.
- Breaching tools.
- Lethal cover.

3. Additional support resources

If the situation seems likely to need Emergency Medical Services (EMS) Members should stage ~~Emergency Medical Services (EMS)~~ in a location that balances the EMS members' safety while still allowing quick access to potential patients.

Commented [MPD38]: Training describes how to stage EMS, and members are familiar with the process.

Members should also consider whether resources such as the following ~~may be necessary~~ should be requested:

Commented [MPD39]: Kept "may be necessary" and added "and should be requested."

- Mental health crisis responders.
- UAS (drones) (P&P 4-226).
- Air support (State Patrol helicopter).
- Crisis negotiator.

Commented [MPD40]: Crisis negotiators are connected with resources such as BCR who would come to a scene once it is under control.

C. Contingency Planning

Members should develop plans that account for a variety of behaviors or actions by the person or people posing a threat.

These contingencies may include the following:

- Compliance.
- Flight.
- Opposition.
- Barricade.
- Rescue.

Citations

1. North Richland Hills Police Department Critical Decision-making Model <https://nleomf.org/wp-content/uploads/2022/09/Critical-Decision-Making-Policy.pdf>
2. College of Policing National Decision Model
3. Police Executive Research Forum ICAT Module #2: Critical Decision-Making Model
4. Police Executive Research Forum ICAT Module #2: Critical Decision-Making Model Presentation Guide https://www.policeforum.org/assets/ICAT/module%202_cdm_dec16.pdf



Minneapolis Police Department Policy and Procedure Manual

Number:
7-800

Volume Seven – Field Operations

Tactical Response

7-803 Crisis Intervention

(06/22/01) (12/28/06) (11/06/07) (10/25/18) (03/01/19) (04/01/19) (08/15/22) (xx/xx/24)

I. Purpose

Sanctity of life and the protection of the public are the cornerstones of the MPD's use of force policy. Members must recognize and respect the sanctity and value of all human life. Members ~~shall~~ **must** make every effort to preserve human life in all situations (P&P 5-301).

People in crisis, including people who may be struggling with substance use, or people with mental health conditions, behavioral health challenges, or intellectual or developmental disabilities, may require tailored response and support.

The purpose of this policy is to provide all ~~sworn~~ members with clear and consistent policies and procedures regarding recognizing signs of crisis and appropriately interacting with people in crisis. The procedures encourage:

- Improving the safety of people in crisis, members, and the Minneapolis community.
- Promoting community solutions to assist people in crisis.
- Using all available resources to reduce or ~~eliminate~~ police-involved response to people in crisis, consistent with community safety.
- Working with mental health professionals and forming community partnerships to assist in crisis response.
- Minimizing law enforcement interactions with and arrests of people in crisis.
- Diverting people in crisis away from the criminal ~~justice~~ **legal** system.
- Using de-escalation techniques and tactics in crisis situations to achieve peaceful resolutions to incidents and eliminate unreasonable, unnecessary, and disproportional uses of force against people in crisis (P&P 5-301 and P&P 7-802).

Commented [MPD1]: Used "or avoid"

Commented [MPD2]: Kept "justice." Criminal legal system is not a term understood by officers or that seems to be used by others.

The purpose of this policy is to also ensure that members' use of force in crisis situations adheres to the force guiding principles described in P&P 5-301. The force guiding principles include, but are not limited to the Sanctity of Life (as incorporated below), the Duty to De-escalate, and Objectively Reasonable, Necessary and Proportional Force.

II. Definitions

Commented [MPD3]: All new documents have definitions at the end.

Behavioral Crisis Response (BCR) team: The City of Minneapolis has established Behavioral Crisis Response (BCR) teams to respond to incidents of non-violent events involving a mental health component. All BCR crisis responders are mental health practitioners or professionals as defined by MN Statute section 245.426, Subd. 17 and 18.

Definitions moved to beginning for consistency with other policies.

Crisis: An event or situation where a person's safety and health may be threatened by behavioral health challenges, to include mental health conditions, intellectual or developmental disabilities, substance use, or overwhelming stressors. A crisis can involve a person's perception or experience of an event or situation as an intolerable difficulty that exceeds the person's current resources and coping mechanisms and may include unusual stress in their life that renders the person unable to function as they normally would.

Crisis Intervention: An attempt by a member to use appropriate de-escalation techniques and tactics to manage the crisis situation, refer or divert the person to other services when appropriate, and ensure the safety of everyone involved. **MN Statute 403.03 requires 911 systems including MECC to deflect non-violent mental health crisis calls to the BCR.**^[1]

Crisis Intervention Data Collection Form: A data collection form that gathers required crisis intervention information for the MPD to track and assess gaps in crisis intervention responses and training.

Critical Decision-Making Model: The critical decision-making model is a thought organization tool that allows members to organize situational factors and inform decisions as they respond to police incidents of all levels of complexity. All sworn members are trained in using the Critical Decision-Making Model.

De-escalation: Techniques and tactics to reduce the intensity of a situation. These strategies serve to preserve life and promote member safety by enabling members to resolve situations without the use of force or with the lowest degree of force necessary. (P&P 7-802)

Developmental Disability: A physical, cognitive, or emotional impairment often caused by a neurodevelopmental condition that results in a person's limited functions in areas such as self-care, language, learning, mobility, self-direction, comprehension, or capacity for independent living and economic self-sufficiency.

Disengagement: Withdrawing from the person or situation. Disengagement can be tactical or physical.

Tactical disengagement: Tactical 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.

Physical disengagement: When physically engaged with a person, disengagement is breaking contact or physically creating space between the member and the person to allow for reassessment of the situation.

Health Officer: A health officer is defined (MN Statute section 253B.02, Subd. 9) as one of the following:

- A licensed physician.
- A mental health professional (as defined in MN Statute section 245.462, Subd. 18).
- A licensed social worker.

Commented [MPD4]: This does not seem tied to the definition of crisis intervention for MPD officers. The 911 system isn't part of MPD.

- A registered nurse working in an emergency room of a hospital.
- An advanced practice registered nurse (APRN).
- A mobile crisis intervention mental health professional.
- A formally designated member of a prepetition screening unit.

Mental Health Conditions: MN Statute Section 245.462, Subd. 20 defines health conditions (referred to as “mental illness” in the law) as “an organic disorder of the brain or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is detailed in a diagnostic codes list published by the commissioner, and that seriously limits a person's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, and recreation.” Mental health conditions may be characterized by impairment of a person’s normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors.

Person in Crisis (PIC): The nature code for a person experiencing a crisis event or situation (as defined in this policy).

III. Procedures/Regulations

A. Applying the Critical Decision-Making Model

MPD has adopted the Critical Decision-Making Model (CDM) (P&P 7-801) for decision-making when responding to situations such as those covered by this policy. Members responding to crisis situations should apply the following steps, which are encompassed in the procedures laid out in the policy:

1. Collect information.
2. Assess **situation, threats, risks,**
3. Consider authority to act.
4. Identify options, **determine best course of action,**
5. Act, review, reassess.

Commented [MPD5]: Keeping as "assess risks" to match the CDM policy.

Commented [MPD6]: Keeping the step as "identify options" to match the CDM policy.

The CDM Model is a circular, not linear, five step critical thinking process. Members ~~shall~~ **must** ensure they are practicing the sanctity of life and the other core values while applying these steps.

Commented [MPD7]: This is covered by the CDM policy.

B. Recognizing Crisis Situations

MPD recognizes that no person chooses to have mental health conditions. These are conditions just like physical illnesses such as diabetes or cancer, and require the same support and attention as physical conditions.

These conditions can be multifaceted and complex, being impacted by various additional factors such as economics, cultural experiences, access to resources etc.

Having mental health conditions, physical health conditions, neurological conditions or other similar conditions does not automatically mean the person is in crisis. People are often able to manage the symptoms for many conditions, allowing them to live fulfilling and productive lives.

1. ~~Contributing factors~~

~~Factors that may contribute to a crisis include:~~

~~a. Substance misuse or abuse and related symptoms. Physical symptoms could include:~~

- ~~● Bloodshot, glassy or red eyes.~~
- ~~● Slurred speech, or rapid or rambling speech.~~
- ~~● Unfocused or blurred vision.~~
- ~~● A sense of euphoria or depression.~~
- ~~● A heightened sense of visual, auditory and taste perception.~~
- ~~● A change in blood pressure or heart rate.~~
- ~~● Decreased coordination.~~
- ~~● Difficulty concentrating or remembering.~~
- ~~● Hallucinations or paranoia.~~
- ~~● Lack of inhibition.~~

~~b. Physical or external conditions. These includes conditions such as:~~

- ~~● Neurological conditions (autism spectrum disorder, ADHD, etc.).~~
- ~~● Traumatic brain injuries.~~
- ~~● Medication side effects.~~
- ~~● Dementia or similar conditions.~~
- ~~● Sleep deprivation.~~

~~c. Mental health conditions. These include conditions such as:~~

- ~~● Major depression.~~
- ~~● Chronic anxiety.~~
- ~~● Bipolar.~~
- ~~● Schizophrenia.~~
- ~~● Post Traumatic Stress.~~

This seems more like training than a policy. The policy should be

- 1) recognize the crisis,
- 2) bring in the appropriate resources

along with info on holds, prohibition on suggesting sedation, documentation requirements, etc.

Commented [MPD8]: Requirements from other entities mandated that this material be in the policy. Additionally, officers will come to this policy to view it later.

d. ~~Situational stressors. These include stressors related to a person's:~~

- ~~• Job or career.~~
- ~~• Relationships (break up, death in the family, etc.).~~
- ~~• Financial situation.~~
- ~~• Physical health issues.~~
- ~~• Positive life changes that may still add stress or overwhelm the person.~~

2. ~~Effects of contributing factors~~

a. ~~Contributing factors can:~~

- ~~• Overlap or co-exist.~~
- ~~• Cause or worsen other factors.~~
- ~~• Be difficult to disentangle and treat, especially when more than one is present.~~
- ~~• Be magnified by a precipitating event.~~

b. ~~These factors can cause a person to experience difficulty regulating emotions, be less able to think clearly or logically, and have difficulty responding appropriately to a situation. The person may feel completely overwhelmed and fall into a state of crisis.~~

3. Signs of a crisis

a. A crisis could manifest as:

- Rapid changes in mood or emotions.
- Difficulty with concentration, memory, sleep or appetite.
- Heightened sensitivity (possibly described as “on edge”).
- Illogical thinking (ex. “If I hurt that person, I’ll be okay.”).
- Nervousness.
- Feeling disconnected, including from those around them, from reality, etc.
- Signs of lack of self-control, which may include:
 - Extreme agitation.
 - Inability to sit still.
 - Clear difficulty communicating effectively.
 - Rambling incoherent thoughts and speech.
 - Clutching oneself or other objects to maintain control.
 - Moving very rapidly.

b. In accordance with P&P 2-503, members are prohibited from using “excited delirium” or similar terms to describe a person or their behavior in any manner or context.

4. Assessing risk

Most people in crisis are not violent. ~~Less than 1% of mental health crisis calls involve a weapon or a threat of violence.~~ ~~However, but~~ under certain circumstances or conditions some people in crisis may present behavior that is dangerous to themselves, the public or to members.

Commented [MPD9]: This is will be part of training materials, along with other similar statistics.

~~Some people looking to harm themselves may take actions, such as jumping into traffic, from a structure, or in front of a train, that can cause harm not only to the person but also unintentionally harm other people physically and psychologically. Overemphasizes the point.~~

Commented [MPD10]: This is an important consideration and is specifically called out in ICAT.

Members should assess whether the person represents potential danger to themselves, the member, or others, and may use several indicators to assess the risk such as:

- a. The person’s access to weapons.
- b. The person’s statements, conduct, or inferences that suggest the person will commit a violent or dangerous act.
- c. The person’s history, which may be known to the Department, the member, family, friends, or neighbors. This includes indications that the person lacks self-control, including a lack of physical and psychological control over rage, anger, fright, or agitation. This information may also come from the person’s public social media accounts.
- d. The volatility of the environment. Agitators who may upset the person, create a combustible environment, or incite violence should be carefully noted, and separated from the person in crisis or otherwise controlled. ~~(when applicable).~~

Commented [MPD11]: Changed to "appropriate" as the point of the language is that officers do not necessarily have authority to control every agitator.

~~If the situation does not involve a weapon or threat of violence, the call should be handed off to the Behavioral Crisis Response (BCR) team.~~

Commented [MPD12]: Added something similar to this under the response section.

~~Jail is not an appropriate response for~~ ~~does not generally help~~ non-violent people with mental health conditions, ~~as mental health crises are not crimes.~~ Transport holds may be a more appropriate response (see section [III-EG] below).

Commented [MPD13]: At times scenes may require both entities to be involved. Using language that is too explicit could result in lack of necessary action.

Commented [MPD14]: Removed "non-violent", but kept the rest of the language. There are still times when people in crisis go to jail (such as some homicides).

C. Crisis Intervention Response

People in crisis need support, and MPD’s objective is to ~~ensure they receive appropriate services, provide help.~~ ~~In particular, p~~ People in crisis ~~may~~ need routing to community or health-based resources, ~~when feasible.~~

Commented [MPD15]: Changed to "provide the most appropriate response to support the person."

Commented [MPD16]: Not all people in crisis require routing, even if it could be beneficial. Someone may have forgotten to take their medication and the situation may not require other resources.

1. Collect and assess information

When responding to a crisis situation, members should make reasonable efforts to gather information that may help them understand the crisis and respond more appropriately to the situation, such as:

- a. Past occurrences of this or other crisis-related situations.
- b. Information about the person, family, or support system that may aid in using de-escalation techniques and tactics and lead to effective resolution. This may include preferences, strengths, and interests of the person, factors that may have precipitated the crisis, and examples of strategies that have proven effective with the person in the past.
- c. Past incidents involving injury or harm to the person or others, including incidents involving possible suicide risk.
- d. Information suggesting whether the person has failed to take prescribed medications.
- e. Indications of substance misuse or abuse, or related symptoms.
- f. Contact information for relatives, friends, or neighbors available to assist members.
- g. Information from any of the available sources listed above that might assist in effectively assessing and resolving the situation and bring it to peaceful resolution using the least-intrusive measures.

2. Additional members

When feasible, calls involving a police response to a person in crisis should have a two-member response. If information becomes available that suggests additional members may be necessary **due to safety risks**, backup should be requested as soon as possible.

Once the member has ensured the scene is safe, the member should contact MECC and ask for the Behavioral Crisis Response (BCR) team to take over the call.

3. Be prepared for behavior changes

People affected by a behavioral health condition or crisis may rapidly change their behavior or demeanor from calm and responsive to physically active and agitated or non-responsive. ~~This behavior change may result from an external trigger, such as a member who states, "I have to handcuff you now," or from internal stimuli, such as delusions or hallucinations.~~

- a. Changes in a person's demeanor or behavior do not automatically mean they will become violent or threatening; ~~however, members should be observant and prepared at all times for a rapid change in behavior.~~

Again, this seems more like training than a policy.

Commented [MPD17]: Changed the title of this section to "Requesting additional resources."
This section was modified to put requesting BCR first if it fits the criteria. And the language about requesting additional members was modified to say "when appropriate" and to include an emphasis that it could escalate the situation in some cases.

Commented [MPD18]: Added a section to request BCR when appropriate.

At times scenes may require both entities to be involved. Using language that is too explicit could result in lack of necessary action.

Commented [MPD19]: This content is helpful for members to have in the policy.

Commented [MPD20]: Kept this language, but swapped the sentence order for greater emphasis.

- b. Members should continue to assess the situation for escalating risk and ~~shall~~ use de-escalation techniques and tactics ~~when feasible~~ **to reduce the risk.**

Commented [MPD21]: This reference to de-escalation was removed as duplicative of the below portion.

4. Calm the situation

As emotions escalate, the ability to think rationally goes down. This applies to all people (including responding members), but is especially true for people in crisis.

~~When feasible (in accordance with the de-escalation policies in P&P 7-802), members shall~~ **must** take steps to calm a situation when responding to a person in crisis, including:

Commented [MPD22]: Kept "when feasible" as that reflects de-escalation policy language.

- a. Be aware of how the noisiness or chaotic nature may impact the person's decision making, especially in incidents involving a heavy police presence.
 - i. Such considerations apply to police radio volume, emergency lights and sirens, etc.
 - ii. When feasible, members should remove distractions and upsetting influences which may escalate the situation.
- b. When possible, avoid physical contact and take time to assess the situation, using the Critical Decision-Making Model (CDM) (P&P 7-801). Members should operate with the understanding that, in most cases, time and distance are allies and there is no need to rush or force the situation.
- c. Assume a quiet, non-threatening tone and manner while approaching or conversing with the person.
 - i. Communicate clearly.
 - ii. Make every effort to speak slowly and calmly.
 - iii. Express concern for the person's feelings, and allow the person to share feelings without expressing judgment.
- d. Use active listening skills. For example: restating what the person says "what I hear you saying is..." or "If I understand you correctly...".
- e. Consider how commands are given.
 - i. ~~Consider~~ asking questions to elicit information rather than issuing orders, such as "How can we help you?" or "Is there a family member or someone you trust that we can call?".
 - ii. Only one member should speak at a time when possible. Having one member or unit take the lead in verbal communication reduces the chances that the person will feel overwhelmed by multiple people shouting commands, and can avoid the potential for conflicting commands.

Commented [MPD23]: Moved this to [ii] to keep the focus on "one member."

Changed #iv to #i

- iii. Keep commands simple and concrete.
 - iv. Consider rewording, varying or altering the nature of the commands. If the same command does not work the first few times (e.g., “get out of the car now”), the chance that it will work in subsequent instances are probably low, so some variation may be beneficial (e.g., “we want to ensure no one gets hurt so we need you to get out of the car”).
 - f. When feasible, move slowly to avoid surprising, exciting or agitating the person. Whenever possible, members should inform the person of what they are going to do before doing it.
 - g. Members should try to manage their own emotions and reactions so they can stay in control and think rationally. This can include focusing on slow breathing, using eye contact when talking and listening, and moving slowly and smoothly.
 - h. Provide reassurance that the police are on-scene to help.
 - i. Offer appropriate care, assistance, and resources to the person, ~~including handing off the call to BCR when appropriate (see [III-KE]).~~ **including handing off the call to BCR when appropriate (see [III-KE]).**
 - j. Members should not threaten the person with arrest or physical harm, as this may create additional fear, stress, and potential aggression.
 - k. Members should avoid topics that seem to agitate the person, and guide the conversation away from topics that cause stress or agitation and towards topics that seem to ease the situation.
 - l. Members should avoid making promises that cannot be kept and should not validate or participate in a person’s delusion or hallucination.
5. Inform person of steps being taken
- a. When practical, members should inform the person and their family (if on-scene) of the steps being taken while assisting the person to a treatment facility, making referrals, or making an arrest, including providing information such as contact numbers and the reasons for the actions being taken.
 - b. When it is necessary to apply handcuffs (P&P 5-305), and when it is safe to do so, every effort should be made to explain why handcuffs are needed, and to inform the person of the process. This can be a traumatic experience, and knowing in advance the reason why and what to expect can reduce trauma.

For crisis calls without a weapon or threat, BCR should be brought in as soon as possible.

Commented [MPD24]: At times scenes may require both entities to be involved. Using language that is too explicit could result in lack of necessary action.

Moved this to a new section about offering resources.

6. Minors in crisis

- a. Members responding to a call involving a minor in need of psychiatric care (whether or not the minor is under arrest- P&P 8-300) may contact the Hennepin County’s 24/7 Mobile Mental Health Child Crisis Services (612-348-2233) for assistance.
- b. In accordance with MN Statute section 260E.06, members ~~shall~~ **must** report the incident to Child Protection Services Intake at 612-348-3552.

7. Tactical disengagement

In crisis situations that do not involve a weapon or a threat and where continued contact with the person in crisis is no longer helpful, members should tactically disengage and, instead, hand off the call to the BCR, subject to the approval requirements below:

~~In crisis situations, members should consider whether continued contact with the person in crisis may result in an unreasonable risk to the person, the public or members, such as when the person is resistant to a transport hold. Members may choose to tactically disengage to avoid resorting to physical force, subject to the approval requirements below.~~

- a. If the person in crisis is not posing a danger of harming themselves or others, members may tactically disengage without supervisor approval.
- b. If the person in crisis is only posing a danger of harming themselves and not others members may choose to tactically disengage when the danger to the person in crisis by self-harming is no longer imminent and the person has not committed a serious or violent crime.
 - i. Prior to tactically disengaging from such a person, members ~~shall~~ **must** notify their supervisor and await their supervisor’s response to the scene.
 - ii. The supervisor who was notified ~~shall~~ **must** respond to the scene and assess whether tactical disengagement is appropriate under the circumstances.
- ~~c. When tactically disengaging, members should consider whether a non-law enforcement resource should be contacted to provide assistance, such as BCR ((H-K)).~~

Commented [MPD25]: This does not address the situations described underneath. A section was added to address this above. Disengagement is separate from transitioning a scene to BCR.

8. Non-engagement

- a. In limited circumstances, members may be aware of the identity and behavior of a person before making contact that indicates that the person is not currently a threat to others, and that contact with law enforcement would not be helpful and instead may only escalate the situation.

Commented [MPD26]: Kept this in as disengagement is different from transitioning a scene to BCR.

- b. In these circumstances, a supervisor may approve non-engagement. The supervisor ~~shall~~ **must** report non-engagement decisions to the Watch Commander or Inspector of the affected precinct.
- c. In situations involving non-engagement, members should **report the non-engagement to MECC and request the** ~~consider whether a non-law enforcement resource should be contacted to provide assistance, such as BCR team ([III-KE]).~~

Commented [MPD27]: This is noted in the call notes.

A requirement was added for tactical disengagement and non-engagement to be documented in a Police Report.

D. Referral options

Referral options for behavioral health and social service agencies, veteran and homeless resources, child and adolescent services, and hospital systems are provided on the MPD's Sharepoint site under Crisis Intervention Resources.

Commented [MPD28]: This is an informational note and should come after the initial response information.

E. Behavioral Crisis Response (BCR) teams

Commented [MPD29]: This is more of an informational block. A section was added above to address requesting BCR.

1. BCR response

When on duty and when safe to do so, BCR teams will be responding to 911 calls involving a mental health component. The calls for service will be reviewed by MECC and routed to the BCR teams when appropriate. They do not have a crisis line. They will be assigned calls by dispatch.

2. BCR transports

BCR teams can transport people on a voluntary basis only. They will not transport people who are placed on a transportation hold.

3. Call types and screening

- a. When BCR teams are on duty, MECC will screen calls to determine if they are appropriate for the BCR response. Such calls will be designated by the nature codes of:
 - BCR (Behavioral Crisis Response).
 - and
 - BCRW (Behavioral Crisis Response Welfare).
- b. If a BCR team is not on duty or unavailable to respond, or if call circumstances change requiring the response of a sworn member, MECC will change the nature code to the appropriate MPD nature code (PIC, CKWEL, etc.) and will dispatch a squad. BCR teams will defer to responding members' instructions upon arrival.
- c. Members dispatched to such calls ~~shall~~ **must** follow current MPD policy and training in responding to these calls.

Moved these two sections up.

- d. In accordance with MECC protocol, a sworn member must be dispatched to incidents involving a person in crisis who is believed to have a mental health condition, behavioral health challenges, or an intellectual or developmental disability, in the following situations:
- Firearms(s) or access to firearm(s) involved.
 - Weapons(s) currently in their possession or threatening the use of weapon(s).
 - Physical violence has occurred or threats of physical violence toward others.
 - When injury has taken place that is life threatening (example: someone has ingested pills, taken more than prescribed medication, alcohol, etc.).
 - Situations involving physical intervention to secure safety, i.e. someone on a bridge or ledge.
 - When a BCR team is on-site and determines that the scene is unsafe.

F. Prohibition on Suggesting Sedation

In accordance with P&P 7-350, members are prohibited from suggesting or directing sedation to anyone, for any person, including any person who is acting agitated, disorganized, or behaving erratically.

G. Emergency Admission Procedures and Transport Holds

1. Transport holds

A transport hold is when a peace officer or health officer takes a person into custody and the person is transported to a medical facility for emergency admission and held until they are evaluated, under the authority from MN Statute section 253B.051, subd. 1. After the evaluation, the facility may release the person or place them under a 72-hour hold.

- a. A peace officer or health officer may take the person into custody and transport the person to an examiner or a treatment facility, if the officer has reason to believe that both of the following required elements are present:
- The person is believed to have a mental health condition or developmental disability, or is believed to be chemically dependent or intoxicated in public.
and
 - The person is in danger of harming self or others if not immediately detained.
- b. Members should consider their own observations first, however, the member or health officer does not need to directly observe the behavior or other facts upon which the transportation hold is based and may consider information from other reliable and reasonably trustworthy sources, when they have a credible reason to believe the information is true.
- i. The sources can be based on the statements of the person, witnesses, family members, or on the physical scene itself.

- ii. Anonymous tips must be corroborated through direct observation or identifiable, reliable sources.
 - c. Members should consider whether the person might be willing to voluntarily receive treatment.
 - d. The member has the authority to sign a transport hold based on the factors above, but may also assist in executing a transport hold that is written by a health officer (on or off-site) and presented to the member. When a member responds to a health officer's call to assist in transporting a person, the member should verify that the health officer is qualified under the statute to write a transport hold. If the member believes that enforcing the transport hold may result in an unreasonable risk to the person, the public or members, or that the required elements do not apply, they may decline to assist.
 - e. The member ~~shall~~ **must** complete the Application by Peace Officer for Emergency Evaluation Form (MP-9094), also known as the MPD "transport hold" form, when taking a person into custody under MN Statute section 253B.051 subd. 1 and transporting the person to a health care facility for evaluation.
 - i. The form can be found on MPD's internal site under Forms.
 - ii. The form can be completed online but must be printed for distribution.
 - iii. The member completing the form ~~shall~~ **must** provide a copy of the completed form to:
 - The health care facility.
 - The person taken into custody.
 - The transporting agency, if the person is not transported by the member.
 - iv. The member's statement ~~shall~~ **must** specify the facts to substantiate why the member has reason to believe both of the required elements are applicable.
 - v. Members ~~shall~~ **must** use their precinct desk number as the contact phone number on the form.
2. Transportation for Emergency Admission
 - a. Any necessary transportation for emergency admission under a transport hold ~~shall~~ **must** be to a health care facility (e.g. HCMC, Fairview Riverside, NMMC or Abbott).
 - b. All searches of a person taken into custody and transported ~~shall~~ **must** be in accordance with the Search and Seizure policy (P&P 9-201).
 - c. Whenever feasible, members should attempt to gather any critical medications to accompany the person to the health care facility.

- d. If the person to be transported is a minor, members ~~shall~~ **must** make a reasonable attempt to notify the parent or guardian as soon as practical (P&P 8-305).
- e. When a person will be transported for emergency admission, members are advised to call EMS to make the transport in the following circumstances:
 - i. The person is combative.
 - A member ~~shall~~ **must** ride in the ambulance during the transport of the combative person.
 - ii. The person requires medical attention (P&P 7-350).
 - iii. The person is unable to walk due to a medical or physical condition or other circumstances.
- f. In the event a dispute arises regarding the MPD's Transportation for Emergency Admission section, a Supervisor will be called to the scene.
- g. MN Statute section 253B.051 Subd. 1(e) states that "as far as practicable, a peace officer who provides transportation for a person placed in a treatment facility, state-operated treatment program, or community-based treatment program under this subdivision must not be in uniform and must not use a vehicle visibly marked as a law enforcement vehicle." If a transport is required and unmarked and non-uniformed resources are available, members should use those to make the transport.

H. Handcuffing People in Crisis

1. During crisis situations, members may only use handcuffs to restrain a person's hands in accordance with the factors and requirements described in P&P 5-305, and the use of handcuffs must be objectively reasonable, necessary and proportional. This includes when members are taking custody of the person solely for a transport hold. When feasible to do so, members should explain to the person prior to handcuffing why they will be handcuffed and the steps that will occur in the process (P&P 5-305). This explanation should be given in a tactful manner, using age-appropriate language for minors (P&P 8-100), and should also be given to parents or family members if present.
2. If a person in crisis is handcuffed, members ~~shall~~ **must** keep the person under close observation while in custody, and ~~shall~~ **must** continue using de-escalation techniques and tactics as necessary.

I. Avoiding Citations and Arrests

Members should ~~attempt to~~ avoid citations and arrests for people in crisis, ~~when feasible~~ **whenever possible**. Members' discretion should be guided by the goal of helping people in crisis and diverting them from the criminal justice ~~legal~~ system, ~~when appropriate~~ **given the nature and seriousness of the incident.**

Commented [MPD30]: Changed to "when appropriate" and removed "attempt to."

Commented [MPD31]: Kept "justice." Criminal legal system is not a term understood by officers or that seems to be used by others.

Commented [MPD32]: Combined the sentences and removed this block.

J. Reporting Procedures

Members responding to any incident involving a person in crisis ~~shall~~ **must** comply with the following reporting requirements:

1. Reporting transportation for emergency admission
 - a. When a person in crisis is placed under a transport hold by MPD, and is involuntarily transported, the transporting members ~~shall~~ **must** complete a Police Report including the code CIC.
 - b. When MPD is the primary responding agency and determines that a transport by ambulance is necessary, the members ~~shall~~ **must** complete a Police Report including the code CIC.
 - c. Members should avoid references to the mental health of a person in any report synopsis available for public disclosure. All such information ~~shall~~ **must** be documented in the nonpublic narrative section.
 - d. When MPD is not the primary responding agency, and a person in crisis is placed under a transport hold and is transported by ambulance (or means other than MPD), the members ~~shall~~ **must** request that MECC change the nature code to PIC prior to clearing the call.
 - i. When members complete a transport hold requested by a health officer, the members ~~shall~~ **must** upload a copy of the completed hold form to Evidence.com under the incident number, and ~~shall~~ **must** note the transport hold in added remarks in CAD.

2. Nature code

If an original incident (e.g. CKWEL, SUSPP, DIST) is later determined to be an incident involving a person in crisis, members ~~shall~~ **must** request that MECC change the nature code to PIC prior to clearing the call.

3. Crisis Intervention Data Collection form

When the nature code of a call is PIC, the primary squad handling the call ~~shall~~ **must** complete the Crisis Intervention Data Collection form in MDC prior to clearing. This form does not replace any required reports.

K. Early Release from a Transport Hold or 72-Hour Hold

If a treatment facility releases a person from a transport hold placed by members or a 72-hour hold placed by the treatment facility, before the hold period expires, members who receive related notifications from the facility ~~shall~~ **must** forward them to the precinct supervisor of

the member who completed the transport hold. The supervisor ~~shall~~ **must** review the case and make the determination regarding further actions.

¹ MN Statute 403.03, Subd. 1(b).

² Steadman, Henry J., Monahan, John, Pinals, Debra A., Vesselinov, Roumen, Robbins, Pamela Clark. 2015. Gun violence and victimization of strangers by persons with a mental illness: Data from the MacArthur Violence Risk Assessment Study. *Psychiatric Services* 66 (11): 1238–41.

DRAFT