

MINNEAPOLIS PARK POLICE  
DEPARTMENT  
BY ORDER OF THE CHIEF OF POLICE

**SPECIAL ORDER 2024-03**



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TO: All Park Police Personnel			RETENTION DATE: Until Rescinded
SUBJECT: Use of Force Policy – REVISED (Replaces SO 23-04)			APPROVED BY: Chief J. Ohotto

**5-301 USE OF FORCE**

**I. PURPOSE**

**A. Sanctity of Life**

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

**B. State Requirement for Policy**

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

**C. Use of Force Chapter Purpose**

The purpose of this chapter is to provide all sworn MPPD employees with clear and consistent policies and procedures regarding the use of force while engaged in their official duties.

**II. DEFINITIONS**

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

**Exigent Circumstances:** An emergency requiring swift action to prevent imminent danger to life or serious harm to another.

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

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

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

**Reportable Force:** Force used that is required to have some level of Force Reporting in accordance with this policy [IV-B].

#### **Subject Behaviors:**

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

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

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

**Active Resistance:** The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control but are not perceived by the officer to display the intent to harm the officer. Examples include:

- walking or running away
- breaking the officer's grip

#### **Subject Intent to Harm:**

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

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

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

- use of a firearm
- use of a blunt or bladed weapon
- extreme physical force

**Use of Force:** An intentional, direct or indirect, bodily contact that causes pain or injury or restricts someone's movement. Intentionally placing someone in fear of such contact, or threatening such contact, also constitutes force. This includes, but is not limited to:

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another;
- Any physical strike to any part of the body of another;
- Any physical contact or threat of contact by the officer or a weapon that causes or threatens to cause pain or injury to another;
- Any physical contact or threat of physical contact by the officer that results in restraint or physical manipulation of the physical movement of another;
- Unholstering or displaying a weapon, when engaged with a subject or subjects.

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

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

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

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

### III. POLICY

#### A. Force Guiding Principles

1. Legal Standards and Authorizations
  - a. 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."

United States Supreme Court: *Graham Vs. Connor*

In addition to Minn. Stat. §609.06 sub. 1, MPPD policies shall utilize the United States Supreme Court decision in *Graham vs Connor* as a guideline for reasonable force.

The *Graham vs Connor* case references that:

"Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each particular case, including:

- The severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;
- Whether he is actively resisting arrest or attempting to evade arrest by flight.

The "reasonableness" of a particular use of force must be judged from the perspective of *the reasonable officer* on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."

b. 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.

## 2. Do No Harm

In accordance with the Sanctity of Life cornerstone, the principle of “Do No Harm” provides a guiding light from which all decisions shall flow.

- Sanctity of life and the protection of the public are the cornerstones of the MPPD’s use of force policy. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers must recognize and respect the sanctity of life and value of all human life when making decisions regarding the use of force.
- Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

## 3. Objectively Reasonable Force Consistent with Law and Training

- Sworn MPPD employees shall only use the amount of force that is objectively reasonable.
  - The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.
  - Sworn MPPD employees should use the lowest level of force necessary for safety and control; When lower levels of force do not work, would not work or are too unsafe to try, higher levels of force may be used for control and safety. Force may also be used for life-saving purposes.
  - Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used. Force used against a restrained or handcuffed individual shall be viewed with increased scrutiny in determining reasonableness.
  - These facts and circumstances **shall** be articulated when documenting force (in accordance with the Force Reporting section in this policy).

- b. Sworn MPPD employees are only authorized to use force consistent with training. Just because force is legally justified does not automatically mean that using force or the level of force is authorized by policy; for example, some specific types of use of force are limited to specific circumstances and force must comply with all applicable sections of policy including those related to de-escalation.
- c. Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion.
- d. Officers shall exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from officers.

#### 4. Announce Arrests

When making an arrest, officers shall verbally announce the arrest to the subject, when possible, in accordance with arrest, search and seizure, and warrant-related policies and procedures, and consistent with training.

- a. When force may be used to make an arrest

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

- b. Minimum restraint allowed for arrest

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

- c. Inform subject about warrant

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

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

## **B. Authorized Use of Deadly Force**

In accordance with recently passed legislation amending MN Statute section §609.066 subd. 2:

1. The use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:
  - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
    - i. can be articulated with specificity;
    - ii. is reasonably likely to occur absent action by the law enforcement officer; and
    - iii. must be addressed through the use of deadly force without unreasonable delay; or
  - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause [1-a], items [i] to [iii], unless immediately apprehended.
2. A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in clause [1-a], items [i] to [iii].

In accordance with MN Statute section 626.8452 subd. 1a:

3. Officers shall not use deadly force except in accordance with MN Statute section 609.066, and even in those circumstances, officers shall first consider all reasonable alternatives including less lethal measures, before using deadly force.

Warn of Intent

4. Where feasible, officers shall identify themselves as law enforcement officers and warn of their intent to use deadly force.

## **C. Duty to Intervene**

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

2. Regardless of tenure or rank, any sworn employee who observes another employee use 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 shall be subject to discipline to the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.

#### **D. Officers' Actions Leading to Unnecessary Risk**

1. Officers' Actions that Unnecessarily Place Themselves, Suspects, or the Public at Risk

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

- a. Officers shall use reasonableness, sound tactics and available options during encounters to maximize the likelihood that they can safely control the situation.
- b. Officers shall not purposefully use words or actions that a reasonable officer would conclude are intended to incite or escalate reactive behavior. Prohibited conduct includes but is not limited to taunting individuals.

2. Officers' Actions to Safeguard the Sanctity of Life

Officers should attempt to place themselves in the best tactical position possible, in order to maximize their ability to safely resolve a dangerous threat. The sanctity of life should be the guiding principle for officers during these situations and they should attempt to reduce the likelihood of a deadly force encounter as much as possible.

#### **E. Medical Treatment and Use of Force**

1. Any sworn MPPD employee who uses force shall, as soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS), if necessary. Some force control options involve or require additional medical attention. This includes subjects who have visible injuries, lose consciousness, complain of injury or request medical attention.
2. Medical aid rendered consistent with policy is not a reportable use of force.

#### **F. Threatening the Use of Force**

As an alternative or precursor to the actual use of force, MPPD officers shall consider verbally announcing their intent to use force, including displaying an authorized weapon as a threat of force, when reasonable under the circumstances. The threatened use of force shall only occur in situations that an officer reasonably believes may result in the authorized use of force. This policy shall not be construed to authorize unnecessarily harsh language.

#### **G. De-escalation**



1. When all the reasonably known circumstances indicate it is safe and feasible to do so, officers shall:
  - a. Attempt to slow down or stabilize the situation so that more time, options and resources may become available.
  - b. Consider, based on the officer's actual observations and in the totality of the circumstances, whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to, the subject's behavior.
2. De-escalation tactics include, but are not limited to:
  - Requesting additional officers to the scene, which may make more force options available and may help minimize the overall force used.
  - Placing barriers between an uncooperative subject and an officer.
  - Attempting to isolate the subject and contain the scene.
  - Minimizing risk from a potential threat using distance, cover or concealment.
3. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever feasible and appropriate before resorting to force and to reduce the need for force .
4. Prior to using force, officers shall attempt to use the following concepts and tactics when safe and feasible, which may help officers minimize risk to themselves and others.
  - Identify themselves as a police officer,
  - Attempt to verbally de-escalate,
  - Attempt to use additional de-escalation tactics or control options,
  - Give commands to be followed and afford the person a reasonable opportunity to comply. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to comply with verbal commands before force is used.
5. If use of force is initiated, force shall be de-escalated immediately as resistance decreases or control is achieved.

#### **H. Report Required**

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPPD employees shall write a detailed, comprehensive report for each instance in which reportable force was used (in accordance with [IV-B]).

#### **I. Training**

1. All officers shall receive training, at least annually, on the Use of Force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to:
  - a. Provide techniques for the use of and reinforce the importance of de-escalation.
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officers' exercise of discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm, all officers shall receive training and instruction with regard to the proper use of deadly force and to the policies and MN Statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device, all officers shall receive training and instruction in the use of the device including training as it relates to the use in deadly force and other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. The MPPD Chief shall ensure that that the MPPD maintains records of compliance with use of force training requirements.

#### **IV. PROCEDURES/REGULATIONS**

##### **A. Transfer of Custody**

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

- The type of force used,
- Any injuries or alleged injuries sustained,
- Any medical aid rendered, and
- Whether EMS was called and if so, whether EMS made contact with the patient, whether the patient refused or accepted EMS, and whether the patient was transported by EMS for further treatment.

#### **5-302 USE OF FORCE CONTROL OPTIONS**

##### **I. PURPOSE**

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

- B. The MPPD has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.
- C. This policy addresses the use and deployment of all force control options that are available to sworn employees.

Control options covered:

Restraints:

- Handcuffing

- Maximal restraint technique (MRT) (Hobble Restraint) and Hogtie (prohibited)

Bodily force

- Less-lethal 40mm launcher and impact projectiles

- Chemical agents

- Conducted electronic weapons (CEWs)

- Impact weapons

- Neck restraints and choke holds

- Firearms

## II. Definitions

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

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

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

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

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

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

activating a CEW, applying handcuffs or restraints, making bodily contact with a subject with an impact weapon or with bodily force.

### **III. POLICY**

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

1. Sworn MPPD employees shall only carry and use MPPD approved weapons for which they are currently trained and authorized to use, except in exigent circumstances. An authorized device is a device an officer has received permission from the MPPD to carry and use in the discharge of that officer's duties, and for which the officer has:
  - a. Obtained training in the technical, mechanical and physical aspects of the device; and
  - b. Developed a knowledge and understanding of the MPPD policy, law, rules and regulations regarding the use of such a device.
2. All use of force control options and weapons shall be in accordance with the standards and requirements in P&P 5-301.
  - a. Force control options shall only be used in a manner proportional to the level of resistance encountered (in accordance with P&P 5-301).
  - b. If lower levels of force are ineffective, higher levels of force may be used for control and safety, subject to any additional restrictions on specific options or limitations in this Use of Force Policy.
3. If an exigent circumstance exists that poses an imminent threat to the safety of the employee or the public requiring the immediate use an improvised weapon of opportunity, the employee may use the weapon in accordance with the standards in P&P 5-301.
4. The use of a firearm, vehicle, less-lethal or non-lethal weapon, or other improvised weapon by an officer may constitute the use of deadly force. This policy does not prevent a sworn employee from drawing a firearm or being prepared to use a firearm in threatening situations, in accordance with P&P 5-301 and the firearm section in this policy (P&P 5-302).

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

1. In accordance with MN Statute section 609.06, the following restraints shall not be used unless MN Statute section 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm:
  - a. Tying all of the person's limbs together behind the person's back to render the person immobile; or
  - b. Securing a person in any way that results in transporting the person face down in a vehicle.

- c. Neck restraints and choke holds.
- d. Less-lethal measures must be considered by the officer prior to applying these measures.

## **C. Handcuffing**

### **1. Authorized use**

#### **a. Arrests**

- i. To minimize the risk of injury to officers and others during arrest situations, officers shall handcuff all persons arrested as soon as possible.
- ii. Handcuffs are authorized when transporting in-custody subjects.

#### **b. Investigative detentions ("Terry Stops")**

- i. Handcuff use during investigative detentions is authorized when one or more of the following factors are present:
  - aa. Articulate facts that the subject is physically uncooperative;
  - ab. Articulate facts that a subject's actions at the scene may present physical danger to themselves or others if not restrained;
  - ac. Reasonable possibility of flight based on the action of the subject;
  - ad. Information that the subject is currently armed;
  - ae. The stop closely follows a violent crime and the subject matches specific parts of a description;
  - af. The number of subjects involved in the stop causes an articulable safety concern; or
  - ag. Articulate facts that a crime of violence is about to occur.
- ii. Care and discretion should be used at extremes of age in handcuffing an individual during an investigative detention.
- iii. The authority to handcuff during investigatory stops continues for only as long as the circumstances above exist.

#### **c. Suicidal persons**

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

#### **d. Search warrant service**

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

Handcuffs are authorized when transporting detoxification subjects.

2. Unauthorized use

- a. If medical circumstances make it unreasonable to handcuff an arrestee, officers shall refrain from handcuffing.
- b. When responding to a scene where a subject has already been placed in handcuffs prior to arrival, officers shall not place their handcuffs on the subject until they have reasonable suspicion or probable cause based on their independent investigation or findings.

3. Checking handcuffs

- a. Officers shall check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.
- b. When a handcuffed subject first complains that handcuffs are too tight or are hurting the subject, the officer having custody of the handcuffed subject shall, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. If they are too tight (per training), they shall be loosened and relocked.

**D. Maximal Restraint Technique (MRT) and Hogtie (prohibited)**

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

The Maximal Restraint Technique (MRT) is used to secure a subject's feet to their waist, through the Hobble Restraint Device or other devices.

2. Hogtying a subject is prohibited.

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

**E. Bodily Force**

## 1. Bodily force types

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

- Escort holds (temporary holding of the hand, wrist, arm or shoulder to physically control or direct a subject)
- Joint manipulations (physically contorting a subject's joint to control or limit movement)
- Nerve pressure points (touch pressure)
- Joint locks (manipulating a subject's joint until it reaches its maximal degree of motion and hyperextension- wrist lock, shoulder lock, elbow lock, etc.)
- Body weight to pin
- Control pressure
- Takedown techniques or tackles (Using physical force to direct a person to the ground)
- Pushes (using physical force to press forward in an effort to effect movement)
- Strikes (punches, kicks, knees, slaps)

## 2. Body weight to pin and control pressure

### a. Body weight to pin definition

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

### b. Control pressure definition

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

### c. Reporting

Body weight to pin and control pressure require a report and Use of Force details page. The requirement to notify a supervisor for body weight to pin and control pressure varies based on where the pressure was applied.

#### i. Supervisor notification required

A supervisor notification is required for:

- aa. Body weight to pin or control pressure resulting in injury or alleged injury (including loss of consciousness).
- ab. Body weight to pin on the front rib cage area or the head.
- ac. Control pressure on the head.

ii. Supervisor notification not required

A supervisor notification is not required for the following types, unless another condition applies (such as injury):

aa. Body weight to pin on limbs, hips, the back or the stomach.

ab. Control pressure on the limbs, hips, or the torso.

3. Pushing to the ground

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

4. Vehicle extractions (removing a person from a vehicle) to the ground

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

5. Neck restraints and choke holds are considered separate control options under this policy (and are not included as bodily force).

6. Strikes (punches, kicks, knees, slaps)

a. Strikes may be delivered:

i. To subjects who are exhibiting Aggressive Resistance or Assault; or,

ii. For life saving purposes; or,

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

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

7. Treatment and medical aid

In addition to standard medical treatment after use of force, when officers deliver strikes, or if bodily force causes a subject's head to strike an object or surface, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the medical condition until they are released to medical or other law enforcement personnel.

**F. Less Lethal 40mm Launcher and Impact Projectiles**



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

1. 40mm less-lethal round authorization

- a. This policy applies to officers who are not working in a certified SWAT capacity.
- b. The 40mm launcher with the 40mm less-lethal round should not be used in deadly force situations without firearm backup.
  - i. The discharge of the 40mm less-lethal round should be considered a level slightly higher than the use of an impact weapon and less than deadly force when deployed to areas of the subject's body that are considered unlikely to cause death or serious physical injury.
  - ii. Prior to using less-lethal options, officers need to consider any risks to the public or themselves.
  - iii. When discharging the 40mm less-lethal round, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public, in accordance with knowledge and training in use of force and MPPD policies governing the use of deadly and non-deadly force.
- c. Only officers trained in the use of the 40mm launcher and 40mm less-lethal round are authorized to carry and use them.
- d. All carrying and use of 40mm launchers for crowd control purposes or in civil disturbances and assemblies shall only occur in accordance with the Crowd Management Policy (2023-07).

2. Standard projectiles

- a. Officers shall only carry approved 40mm rounds. Ammunition specifications are available from the MPD Range Master.
- b. The MPPD Range staff shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. Officers should contact MPPD Range staff to arrange the replacement of any rounds used or damaged as needed.

3. Target areas

- a. The primary target areas for the 40mm less-lethal round should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the ribcage area to the waist, and the larger muscle areas of the shoulder areas.

- b. Officers shall be aware that the delivery of the 40mm impact projectiles to certain parts of the human body can cause grievous injury that can lead to a permanent physical or mental incapacity or possible death.
  - c. Officer shall not intentionally discharge less-lethal impact munitions at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.
- 4. 40mm launcher use
  - a. The 40mm launchers can be used when the incapacitation of a violent or potentially violent subject is desired. The 40mm launcher can be a psychological deterrent and physiological distraction serving as a pain compliance device.
  - b. If a supervisor or responding officers believe that there is a call or incident that may require the use of less-lethal capability, they may request via radio or other means that an on-duty trained operator with a 40mm launcher respond to the scene.
  - c. Officers shall announce over the radio that a 40mm launcher will be used, when time and tactics permit.
    - i. It is important that whenever possible, all officers involved and possible responding officers know that a 40mm less-lethal projectile is being deployed so they do not mistake the sight and noise from the deployment as a live ammunition discharge.
    - ii. 40mm launchers have an orange barrel indicating they are the less-lethal platform.
  - d. When appropriate given the situation, officers firing a 40mm less-lethal projectile should yell "Code Orange!" prior to and during the discharge.

5. Carrying and Storage

- a. 40mm launchers shall be assigned as needed.
  - i. Each 40mm launcher shall be kept its own case and in a secured gun locker.
  - ii. Only authorized personnel and MPPD-trained operators will have keys to the 40mm armory lockers.
- b. Trained operators shall carry the 40mm launchers during their assigned shift, when available.

6. Maintenance of 40mm launchers

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

7. Subjects injured by 40mm less-lethal projectiles
  - a. Medical assistance shall be rendered as necessary in accordance with P&P 5-301.
  - b. If possible, photographs should be taken of any injuries to the subject.
8. Use of Force reporting
  - a. Officers who discharge a 40mm less-lethal round shall report the force in accordance with P&P 5-303.
  - b. Officers who deploy a less-lethal round shall immediately notify dispatch, who will notify a supervisor.
  - c. A supervisor shall respond to the scene any time a 40mm less-lethal round is used. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-303.
  - d. Supervisors shall ensure that all spent 40mm less-lethal rounds are collected and property inventoried if possible.

## **G. Chemical Agents**

1. Use of Chemical Agents
  - a. Approved chemical agents may be used as a non-lethal use of force. The use of chemical agents shall be consistent with current training and policies governing the use of force (including all sections in the Use of Force Policy).
  - b. Chemical agents, regardless of canister size, shall only be used against subjects under the following circumstances:
    - i. During civil disturbances and assemblies, only when authorized in accordance with the Crowd Management Policy (SO23-07).
    - ii. In situations not involving civil disturbances or assemblies:
      - aa. On subjects who are exhibiting Aggressive Resistance or Assault; or,
      - ab. For life saving purposes; or,
      - ac. On subjects who are Active Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
  - c. Chemical agents shall not be used against persons who are Compliant or are Passively Resisting as defined by policy.

- d. Sworn MPPD employees shall exercise due care to ensure that only intended persons are exposed to the chemical agents.

## 2. Treatment and Aid for Chemical Agent Exposure

- a. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the chemical agent shall include one or more of the following:
  - Removing the affected person from the area of exposure.
  - Exposing the affected person to fresh air.
  - Rinsing the eyes and skin of the affected person with cool water (if available).
- b. Sworn employees shall keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel.
- c. An officer who has discharged a chemical agent shall inform individuals accepting custody that it was discharged at the person.
- d. Discharging chemical agents to prevent the swallowing of narcotics is prohibited.

## H. Conducted Energy Weapons (CEWs)

Terms related to Conducted Energy Weapons (CEWs):

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

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

**Arcing:** Un-holstering the CEW and activating the CEW for purposes of threatening its use prior to actual discharge or drive-stun or touch/contact stun application. In some cases, this may be effective at gaining compliance without having to actually discharge at or apply drive-stun or touch/contact stun on at a subject.

**Drive Stun:** When a CEW with no cartridge or a spent cartridge is placed in direct contact with the body.

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

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

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

## 1. CEW authorization

- a. The approved Conducted Energy Weapon (CEW) is considered a less-lethal weapon.
- b. MPPD 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 MPPD officer is acting in their official MPPD capacity.
- c. CEWs may be used:
  - i. On subjects who are exhibiting Aggressive Resistance or Assault, or;
  - ii. For life saving purposes, or;
  - iii. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
- d. CEWs shall not be used against subjects who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).
- e. CEWs should generally be used in the probe mode. Application of CEWs in the drive stun mode shall be limited to defensive applications or to gain control of a subject who is exhibiting Aggressive Resistance or Assault if lesser attempts at control have been ineffective, or if the probe mode was ineffective.

## 2. CEW Use

### a. Cycles

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

- i. 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.

- ii. Personnel should constantly reassess the need for further activations after each CEW cycle and should consider that exposure to multiple applications of the CEW for longer than 15 seconds may increase the risk of serious injury or death.
- iii. Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. If there is a need for another cycle based on the standards above, officers should immediately discharge another cartridge or transition to other control options rather than activating continued ineffective cycles.

b. One officer at a time

Unless exigent circumstances exist as defined by policy (P&P 5-301), no more than one officer should intentionally activate a CEW against a subject at one time.

c. Warnings

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

d. Holstering

The CEW shall be holstered on the sworn MPPD employee's weak (support) side to avoid the accidental drawing or firing of their firearm.

e. Subject factors

- i. Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain individuals. Officers must be able to articulate a correspondingly heightened justification when using a CEW on:
  - Persons with known heart conditions, including pacemakers or those known to be in medical crisis;
  - Elderly persons or young children;
  - Frail persons or persons with very thin statures (i.e., may have thin chest walls);
  - Women known to be pregnant;
- ii. Prior to using a CEW on a subject in flight the following should be considered:
  - The severity of the crime at issue;
  - Whether the subject poses an immediate threat to the safety of the officer or others, and;

- Whether the officer has a reasonable belief that use of the CEW would not cause significant harm to the subject fleeing unless use of deadly force would otherwise be permitted.

f. Situational factors

In the following situations, CEWs should **not** be used unless the use of deadly force would otherwise be permitted:

- On persons in elevated positions, who might be at a risk of a dangerous fall;
- On persons operating vehicles or machinery;
- On persons who are already restrained in handcuffs unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective;
- On persons who might be in danger of drowning;
- In environments in which combustible vapors and liquids or other flammable substances are present;
- In similar situations involving heightened risk of serious injury or death to the subject.

3. Loss or Damage

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

4. Use During Off-Duty Employment

- Officers who use their issued CEW during the scope of approved off-duty employment shall follow MPPD policy and procedure for reporting the use of force and downloading their device.
- If officers carry their issued CEW during the scope of off-duty employment outside of the City (e.g. working for another law enforcement agency) that agency shall sign a waiver (Letter of Agreement for Off Duty Employment) which indicates that certification through the Minneapolis Police Park Department is sufficient for use while working for that agency.

5. Downloading and Reporting

- CEW downloading guidelines
  - The CEW shall be downloaded, when used in probe mode, touch/contact stun mode or drive stun mode, prior to the end of the officer's shift.
  - The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.

- iii. If a CEW was used during a critical incident, the CEW will be inventoried by the investigating agency for processing video and firing data evidence.

b. CEW reporting guidelines

- i. When a CEW is discharged at or applied in touch/contact stun or drive-stun mode on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P 5-303. Officers shall document de-escalation attempts their Narrative Text.
- ii. When a CEW is threatened by means of displaying, red dotting or arcing, the threatened use shall be reported in accordance with P&P 5-303.
- iii. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer's incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.

6. Post Exposure Treatment and Medical Aid

- a. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the electricity from the CEW shall include the following:
  - i. Request EMS response for probe removal if probes are located in sensitive areas (face, neck, groin or breast areas).
  - ii. Wear protective gloves and remove probes from the person's non-sensitive body areas.
  - iii. Secure the probes (biohazard "sharps") point down into the expended cartridge and seal with a safety cover.
  - iv. When appropriate, visually inspect probe entry sites or drive stun locations for signs of injury.
  - v. When appropriate, photograph probe entry sites or drive stun locations.
- b. Sworn employees shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.

**I. Impact Weapons**



1. Approved impact weapons (P&P 3-200) are considered less-lethal weapons, and may be used as impact weapons:
  - a. On subjects who are exhibiting Aggressive Resistance or Assault; or,
  - b. For life saving purposes; or,
  - c. On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
2. Strikes from impact weapons shall not be administered to persons who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).
3. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), treatment for a person that has been struck with an impact weapon shall include visually inspecting the areas struck for signs of injury, when appropriate.
4. Sworn employees shall routinely monitor the medical condition of a person that has been struck with an impact weapon until they are released to medical or other law enforcement personnel.

**J. Restrictions on Neck Restraints and Choke Holds**

Neck Restraints and choke holds are only authorized in deadly force situations. Instructors are prohibited from teaching the use of neck restraints or choke holds as a non-deadly force option.

**K. Firearms**

1. Firearm Discharges- When Authorized

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

- a. In deadly force situations, in strict compliance with the Use of Force policy (P&P 5-301), and with a high degree of restraint. Firearm use shall never be considered routine and is permissible only when alternative means do not work, would not work or are too unsafe to try.
- b. To dispatch an animal that is dangerous, or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
- c. To participate in authorized training.
- d. To participate in any authorized competition or legitimate sporting activity.

## 2. Firearm Discharges- When Prohibited

Officers shall not discharge firearms under the following conditions:

- a. As a warning or to command attention.
- b. Against persons who present a danger only to themselves.
- c. Solely to protect property.

## 3. Shooting at Motor Vehicles

- a. Firearms shall not be discharged at a moving or fleeing vehicle, unless:
  - i. The officer or another person is currently being threatened with deadly force by an occupant by means other than the moving vehicle and the officer reasonably believes there are no other reasonable means available to avert the threat, or
  - ii. In the 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, or
  - iii. In the case when an officer is stuck in the path of a vehicle, and:
    - 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.
  - aa. 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.
- b. This prohibition includes attempting to disable the vehicle by firing at it.
- c. Considerations in this prohibition:
  - i. A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.
  - ii. Bullets fired at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.

- iii. Bullets fired at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent persons, including passengers in the vehicle.
- iv. Bullets fired at moving motor vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring officers or other innocent persons, including passengers in the vehicle.

4. Drawing and exhibiting a firearm

- a. An officer's decision to draw or exhibit a firearm will be based on the tactical situation and the officer's reasonable belief that lethal force is necessary, or that there are indicators of a substantial risk the situation may escalate to the point where lethal force may be necessary.
- b. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.

5. Notification of Firearm Discharges

a. Employee responsibility

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

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

b. Supervisor responsibility

- i. The supervisor shall respond to any scene in which an employee has discharged a firearm while on-duty or in the course of duty.
- ii. The supervisor is responsible for notifying the Park Police Chief (or designee) and when appropriate, the Watch Commander 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.
- iii. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with MPRB policy and the collective bargaining agreement.
- iv. At any officer-involved shooting incident in which a person is shot, the Critical Incident Policy (SO24-01) shall be followed.

c. 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 Park Police Chief, or designee, shall be responsible for filing the required form(s) with the State Bureau of Criminal Apprehension.

6. Written Report on Discharge of Firearms

- a. All employee firearm discharges that require notification, other than Critical Incidents, shall be reported in a PIMS report, including a Narrative Text, by the employee involved and the supervisor who was notified. The report shall be titled, "DISWEAP." The employee shall complete Force Reporting in accordance with P&P 5-303 and the supervisor shall then complete a Supervisor Force Review in accordance with P&P 5-303.
- b. The shift supervisor shall include all case numbers as part of their daily shift bulletin.

**5-303**

**Use of Force Reporting and Review**

**A. Force and De-Escalation Reporting Elements**

Force and De-escalation Reporting may consist of some or all of the following elements, depending on the incident and the specific force used:

- Documenting the force used through the Use of Force details page.
- Describing the incident, de-escalation efforts and the force used through a Narrative Text with the report.
- Notifying a supervisor of the force used and the incident circumstances.

1. Force Reporting in PIMS

- a. In order to complete a Use of Force details page, a full Police Report (GO), Supplemental Report (GO) or Street Check is required so that entities can be properly entered and linked. The report shall include the code "FORCE."
- b. Anything other than routine contact with a person is considered using force. Examples of routine contact may include pat downs or incidental contact and they do not require use of force reporting.

- c. 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 in injury or complaint of injury.
2. Force-related items to include in Narrative Text

When documenting force in an incident through a Narrative Text with a Police Report or Street Check, officers shall describe in the narrative:

  - a. Any efforts to de-escalate prior to the use of force.
  - b. Why the officer decided to use force.
  - c. Why the officer decided to use the level or levels of force used.
  - d. Whether the subject was injured, displayed signs of an injury, or complained of an injury. This includes pre-existing injuries aggravated by or injuries suffered as the result of the force used.
  - e. Whether medical aid was rendered or Emergency Medical Services (EMS) was called, and whether the officer who used force was the same officer who rendered aid or called EMS.
  - f. Whether the subject was transported to the hospital, and if so:
    - Whether the transportation was because of force used.
    - Whether MPPD, EMS or another agency made the transport.
3. Supervisor notification of force
  - a. When supervisor notification is required, the employee who used force shall remain on scene and immediately make direct contact with a supervisor by phone or radio.
  - b. The notification to the supervisor ensures that the requirements of the Supervisor Force Review section of this policy (P&P5-303) can be fulfilled by the supervisor.
4. De-escalation Reporting Requirements

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

## **B. Force Reporting timeliness**

1. In Critical Incidents, Force Reporting shall be done in accordance with the Critical Incident Policy (SO24-01). When a Police Report is required in accordance with the Critical Incident Policy, any associated Force Reports shall be completed at the same time as the required Police Report.

2. In all other cases, all required Force Reporting shall be completed as soon as practical, but no later than the end of the shift.

### **C. Reporting Requirements**

#### **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 injury or complaint of injury.

- Touch
- Escort Holds
- Handcuffing (a police report is still required – see the handcuffing section of this policy).

#### **B. Level 1 Reportable Use of Force**

1. Level 1 definition and types:

Level 1 force involves using low levels of force that are reasonably expected to cause pain or injury but do not result in injury or complaint of injury. 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 Taser or conducted electronic/energy weapon (CEW), using a CEW to conduct a warning arc, and laser painting with a CEW, when engaged with a subject.
- Pressure point compliance technique
- Wristlock, armbars, and joint manipulation techniques.
- Weaponless strikes other than strikes to head or neck of a subject.
- Weaponless defense techniques such as push-aways, holds, or slaps.
- Body weight to pin
- Takedowns and leg sweeps
- Control pressure while handcuffing
- Authorized or improvised tool to push a subject without striking.
- Any other force that does not rise to level 2 or level 3 reportable use of force.

2. Displaying and Pointing

- a. Reporting firearm display and pointing for specific tactical operation.

- i. An officer engaged in the execution of a building search warrant or engaged in an operation 100 shall be required to report the display or pointing of a firearm only when it involves a sustained active engagement with a person to gain that person's compliance.
- ii. An officer who quickly "sweeps" a room during a building search warrant or operation 100 is not required to report each person at whom a firearm was momentarily pointed during a sweep.

b. Related Terms

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

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

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

3. Level 1 reporting requirements

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

**C. Level 2 reportable use of Force**

1. Level 2 definitions and types

Level 2 force involves using force that includes use of a less-lethal weapon or that causes injury or complaint of injury but does not rise to a level 3 reportable use of force. Level 2 types of force include:

- Discharge of an MPD-authorized chemical aerosol.
- Discharge of a CEW (including probe/darts and drive stun/touch).
- Weaponless strikes to head or neck of a subject if the subject'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 (40 mm or handheld).
- Physical apprehension by canine.
- Any reportable force against a handcuffed subject (see handcuffing section for additional requirements).
- Maximal Restraint Device (MRT).
- Use of any other less-lethal weapon, meaning a weapon that does not have a reasonable likelihood of causing or creating a substantial risk of death or great bodily harm.
- Any escort, touch, handcuff, or other action that results in an injury or complaint of an injury.
- Any use of force by an MPPD officer that results in injury or complaint of an injury, except Level 3 reportable use of force
  - This includes aggravation of a pre-existing injury.

## 2. Level 2 reporting requirements

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

## D. Level 3 reportable use of Force

### 1. Level 3 definitions and types

Level 3 force involves any force that causes or force that should have reasonably been known to create or cause a substantial risk of death or great bodily harm, and any force that results in hospital admission. Level 3 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 a subject's head is near a 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, wooden surfaces, metal surfaces, etc.
  - If a subject is "near a hard surface," that means that a weaponless strike to that subject's head /neck would cause a direct and immediate impact with the hard surface because of the strike. For example, if the person is against a car or lying on the street.

### 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 the review of audio and visual data in the Critical Incident Policy (SO24-01) apply. For other level 3 uses of force, officers shall not review any recordings including body worn camera or squad 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 an incident involving handcuffing. The circumstances necessitating handcuffing shall be documented in the Narrative Text
- b. The application of handcuffs shall be marked in the corresponding box on each Entity handcuffs were applied to, subject to the exception of mass arrests below.
- c. If there is no associated offence 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**

Handcuffing will be classified as level 2 or level 3 use of force if it results in any injury, complaint of injury or aggravation of a preexisting injury.

### **3. Handcuffing in mass arrests**

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

form and shall complete any required reporting for the other force or injuries.

**F. Reporting Force Used on a Handcuffed Subject**

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

1. Notify a supervisor

- a. If an officer uses any force on a handcuffed subject (other than the types specified below), the officer shall remain on scene and shall notify an on-duty supervisor by phone or radio as soon as possible so the supervisor can respond to the scene.
- b. Exceptions to this requirement are the following actions used on a handcuffed subject, when the force does not result in injury: Escort holds, joint manipulations and nerve pressure points, and body weight to pin or control pressure when if they would not already require a supervisor notification.

2. Supervisor response

a. Respond to the scene

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

b. Notify the Park Police Chief

The supervisor shall immediately notify the Park Police Chief, or the Park Police Chief's designee, of the incident directly by phone.

3. Responding to the hospital

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

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

If an individual in custody suffers an injury or an illness or aggravates a pre-existing injury, not due to force used, the sworn employee shall document it through a Narrative Text and shall notify a supervisor so the supervisor can respond and complete the Supervisor Force Review.

**H. Supervisor Force Review**

1. Supervisor Force Review defined

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

- a. Collect and document information and evidence regarding the use of force; and
- b. Assess whether, based on the information available to the reviewing supervisor, the force used appears to have been consistent with MPPD 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

Supervisors shall not conduct a Supervisor Force Review on their own use of force.

- a. If a supervisor uses force that requires a supervisor notification per policy, they shall not conduct any Supervisor Force Review for any other sworn employees at the scene.
- b. If an individual in a supervisor's custody suffers an injury or illness not from force, the supervisor shall not conduct any Supervisor Force Review for the in-custody injury or illness.
- c. Any other supervisor of any rank who did not use such force or have custody shall conduct the Supervisor Force Reviews.

## 3. On-duty supervisor responsibilities

The supervisor who is notified of a Use of Force or In-Custody Injury or Illness incident by any sworn MPPD employee shall:

- a. Determine if the incident meets the criteria for a Critical Incident. If so, follow the Critical Incident Policy (SO24-01).
- b. Instruct the involved employees to have 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. Respond to the incident scene and conduct a preliminary investigation of the Use of Force or In-Custody Injury or Illness incident.
- iv. Debrief the employee(s) who engaged in the use of force.
- v. Note any reported injury or alleged injury to any individual involved.

- vi. Photograph:
    - the force subject, including any visible injuries
    - the immediate area of the force event
    - injuries to any other individual involved in the force event
    - damage to equipment or uniforms caused by the force event
  - vii. Note any medical aid/EMS rendered to any individual involved.
  - viii. Locate and review any evidence related to the force or injury incident (e.g., BWC, MVR, security video, private cameras, etc.).
  - ix. Ensure any on-scene evidence is preserved and collected.
  - x. Locate and identify witnesses to the use of force or injury incident.
  - xi. Obtain statements from witnesses to the use of force or injury incident.
  - xii. Review all sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.
  - xiii. Contact the Park Police Chief, or designee, immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct.
- d. Complete and submit both the Supervisor "Use of Force Review" template as soon as practical, but prior to the end of that shift.
- i. It is the reviewing 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 reviewing 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 MPPD Policy. If the supervisor concludes that the use of force was or may have been unreasonable or not within policy, the supervisor shall:
    - State in the Summary that they believe the use of force requires further review; and
    - Notify the Park Police Chief (or designee) of their findings that the force requires further review.
- e. Record the incident information in written Use of Force memo prior to the end of the shift, so that a Secondary Force Review can be completed.
4. Supervisor Force Reviews in civil disturbances and assemblies

During civil disturbances or assemblies, 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

## **I. Secondary Force Review**

### **1. Secondary Force Review defined**

- a. Secondary Force Reviews are when the initial Supervisor Force Review (SFR) undergoes 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.
- b. The purposes of a Secondary Force Review are to:
  - i. Confirm that the SFR included all required collection and documentation of evidence; and
  - ii. Review all available evidence, and perform an additional, separate review of whether the use of force appears to have been consistent with MPPD policy.
- c. The supervisor performing the Secondary Force Review 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 MPPD policy.
- d. The supervisor performing the Secondary Force Review shall review all of the information available regarding the use of force review, including BWC recordings made during the on-scene Supervisor Force Review.

### **2. Secondary Force Review required**

Secondary Force Reviews shall be completed for all SFRs.

- a. Secondary Force Reviews shall be completed by a supervisor of higher rank, typically a lieutenant, as designated by the Park Police Chief.
  - i. Supervisors cannot complete a Secondary Force Review of their own SFR.
  - ii. Supervisors cannot complete a Secondary Force Review of an SFR of their own use of force.

- b. Secondary Force Reviews shall be completed within 5 days of the initial SFR.
  - c. After the Secondary Force Review is completed, the Secondary Force Review process shall be documented by a memo to the Park Police Chief.
3. Park Police Chief's review
- a. After the Park Police Chief, or designee, has checked the Secondary Force Review for completeness, they will determine whether the incident will be referred for further investigation or whether the review will be closed without further investigation.

Department policy approved by:

  
Al Bangoura, Superintendent

2-16-2024  
Date