

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 18
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-301 Use of Force			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 5-301 of the MPD Policy and Procedure Manual shall be amended as follows:

5-301 Use of 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

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, and the need to treat everyone with dignity and without prejudice.~~

[Moved to [II-A]]

B. State Requirement for Policy

~~MN Statute section 626.8452 requires the MPD 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 MPD employees.~~

~~This policy is to be reviewed annually.~~

[Moved to [IV-A-3]]

C. Use of Force Chapter Purpose

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.

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

~~This policy applies to all licensed peace officers engaged in the discharge of official duties.~~
[moved to [V-O]]

II. Force Guiding Principles

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, and the need to treat everyone with dignity and without prejudice.~~

[moved from [I-A]] [removed language duplicative of [E]]

B. Objectively Reasonable, Necessary and Proportional Force

Officers shall 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. This includes modulating or discontinuing the use of force as the threat subsides or when a person is restrained.

(see [V-A])

C. Duty to De-escalate

Officers have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics when 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])

D. Duty to Intervene

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])

E. Promote Trust, and Show Respect and Dignity

Officers shall 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.
(see P&P 5-102, P&P 5-103 and P&P 5-104)

F. Recognize Health and Wellness

The MPD and officers shall recognize that officer health and wellness is integral to officers responding effectively and lawfully in 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)

G. Avoid Unnecessary Risk of Injury

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

H. Identify Self and Warn of Intent

Officers shall identify themselves as a law enforcement officer and, when feasible, warn of their intent to use force.
(see [IV-A-3], [IV-B-4] and [V-G])

I. Retaliation and Punishment Prohibited

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

J. 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)

K. Report Force

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

L. Hold Officers Accountable

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

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.~~

~~a. Sanctity of life and the protection of the public are the cornerstones of the MPD'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.~~

~~b. 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.~~

III. H-Definitions

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. All officers are trained in using the Critical Decision-Making Model.

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.

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." (MN Statute section 609.066)

[Moved from Use of Force definition]

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.

Exigent Circumstances: A rare emergency situation requiring swift action to prevent an imminent threat ~~danger~~ 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 ~~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.

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 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.

Objectively Reasonable Force: ~~The degree 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 ~~fForce r~~Reporting in accordance with this policy and the policy on Use of Force Reporting (P&P 5-302) ~~[IV-B].~~

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

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:

- Sstanding stationary and not moving upon lawful direction.
- Ffalling limply and refusing to use their power to move (becoming "dead weight").
- Verbal non-compliance: Using language that signals an intention to avoid or prevent being taken into custody but does not signal an intent to cause physical harm.

~~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 directed at harming the officer. Examples include:

- Walking or running away.
- Forcefully resisting the officer's grip.
- Holding onto a fixed object in a situation other than a protest or demonstration (P&P 7-805).

Objectively imminent physical harm ~~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 great 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.

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.

Use of Force: An intentional, direct or indirect, contact with someone's body ~~bodily contact~~ that causes pain or injury or restricts someone's movement. Intentionally placing someone in fear of such contact, or threatening such contact, can 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 restriction ~~restraint~~ 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.

~~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 MPD 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.
[Replaced by Intermediate Weapon definition]~~

~~**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.”
[Moved to its own definition]~~

IV. ~~III.~~ Policy

~~A.~~ Force Guiding Principles

A. ~~1.~~ Legal Standards and authorizations

1. ~~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.”

2. ~~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.”

3. Arrest authority

~~3. Announce arrests~~ *[Moved from below]*

When making an arrest officers shall verbally announce the arrest to the subject, when feasible, 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.

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 P&P 5-300. (MN Statute section 629.33)

b. Minimum restraint allowed for arrest

~~In accordance with MN Statute section 629.32, an~~ 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

~~In accordance with MN Statute section 629.32, the~~ When making an arrest pursuant to a warrant, 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. (MN Statute section 629.32)

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

4. ~~B.~~ State Requirement for Policy

~~MN Statute section 626.8452 requires the MPD to~~ The MPD must 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 MPD employees, in accordance with MN Statute section 626.8452.

This policy is to be reviewed annually.

[Moved from [I-B]]

B. Authorized Use of Deadly Force

~~In accordance with MN Statute section 609.066 Ssubd. 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 (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 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)

~~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~~ Before using deadly force, officers shall first consider all reasonably safe and feasible alternatives reasonable alternatives including less lethal measures, before using deadly force (MN Statute section 626.8452 Subd. 1a).

Warn of intent:

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

V. ~~IV.~~ Procedures/Regulations

A. ~~3.~~ Objectively Reasonable, Necessary and Proportional Force consistent with policy, law and training

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

1. Objectively reasonable

~~a. Sworn MPD employees shall only use the amount of force that is objectively reasonable.~~

a. Officers shall 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 time available to an officer to make a decision.

viii. The person's proximity or access to weapons.

ix. The risk to bystanders or others from the use of force.

x. The location, time of day, and other physical circumstances.

xi. Other exigent circumstances.

b. ~~i. 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.~~

2. Necessary

~~ii. Sworn MPD employees should use the lowest level of force necessary for safety and control.~~ Officers shall use the lowest degree of force necessary in accordance with policy and law.

a. Force may be considered necessary when lower degrees of force or 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 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 continually assess the necessity of the use of force and whether alternatives may be employed such as the use of de-escalation techniques.

3. Proportional

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

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 modulate or discontinue the degree or type of force accordingly.

4. People who are restrained

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

5. Document the circumstances

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

B. Consistent with Policy

~~b. Sworn MPD employees are only authorized to use force consistent with MPD training. Just because force is legally justified does not automatically mean that using force or the degree 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. See the prohibitions in P&P 5-304 and the specific restrictions in the control options policies.~~

~~Some specific examples include that:~~

- ~~• While MN Statute includes Choke Holds as legally permissible in Deadly Force situations, MPD officers are prohibited from using such techniques, including in Deadly Force situations (see the Prohibition on Neck Restraints and Choke Holds section in P&P 5-302).~~

- ~~Discharging firearms at motor vehicles is restricted under the Firearms section in P&P 5-302.~~

C. Calibrate to Accommodate

In accordance with P&P 7-809 and the De-escalation portion of this policy (IV-D), officers shall reasonably account for and calibrate force practices when interacting with specific populations as described below. However, officers' assessment of the below factors shall 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. 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, commands, or physical skills.

a. Ability to understand or comply

~~4.~~ Officers shall exercise special care when interacting with ~~people~~ individuals with apparent ~~known~~ physical, mental health, developmental, or intellectual disabilities or conditions, as a person's ~~an individual's~~ disability condition may affect the person's ~~individual's~~ ability to understand or comply with commands from officers. Language barriers can also affect a person's ability to understand commands.

b. Ability to cause physical harm or likelihood of 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 take into account 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.

2. Juveniles

a. De-escalation and juveniles

i. When feasible, officers shall employ developmentally appropriate and trauma-informed de-escalation and communication tactics with juveniles including, but not limited to:

- Using a calm and measured tone, and a neutral demeanor.

- Using simple and concrete language and direct phrases.
 - Avoiding threatening language.
- ii. Officers may 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 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.
- 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 take into account individualized factors of the juvenile 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 juvenile.
- ii. Officers shall consider whether a juvenile may be noncompliant due to factors such as a mental health or medical condition, behavioral health challenges, physical or hearing impairment, language barrier, drug or alcohol use, or a crisis situation (P&P 7-809).

c. Juveniles injured by use of force

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

D. G. 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:
 - 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, behavioral health challenges, physical or hearing impairment, language barrier, drug or alcohol use, or a crisis situation (P&P 7-809) or an inability to comply based on factors including, but not limited to, the subject's emotions and behavior.
2. De-escalation tactics include, but are not limited to:
 - Requesting additional 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 ~~an uncooperative~~ 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 use de-escalation techniques and other alternatives to higher degrees 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.
 - 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 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 a person ~~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.~~

E. ~~C.~~ Duty to Intervene

1. ~~Officers Sworn employees~~ have an obligation to protect the public and other employees.
2. Regardless of tenure or rank, any ~~officer-sworn employee~~ who observes another employee using any force that they reasonably believe amounts to 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~~ may be subject to discipline of to the same severity as if they themselves engaged in the prohibited, inappropriate or unreasonable use of force.

F. ~~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 ~~degree amount~~ degree 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. The sanctity of life should be the guiding principle for officers, and they should attempt to reduce the likelihood of a deadly force encounter as much as possible.

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

~~2. Officers' actions to safeguard the sanctity of life~~

~~Officers should consider their positioning and 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.~~

G. Warn of Intent to Use Force

Prior to using force, officers shall 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.

1. Officers shall allow a reasonable amount of time for a person to comply with a warning, when feasible to do so.

F. Threatening the Use of Force

~~As an alternative or precursor to the actual use of force, MPD 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.~~

2. ~~The threatened use of force warning shall only occur in situations that an officer reasonably believes may result in the authorized use of force.~~
3. ~~This policy shall not be construed to authorize unnecessarily harsh language.~~

H. ~~E.~~ Medical Treatment and Use of Force

~~1. Any officer-sworn MPD employee who uses force shall, 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, was injured and shall render medical aid consistent with training 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. ~~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.~~

I. No Retaliation, Punishment or Coercion

~~e. Force, or the threat of force, shall 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 9-204).~~

J. No Retaliation Against Employees

~~In accordance with P&P 2-106, employees shall not retaliate against an employee for fulfilling their Duty to Report Misconduct or Duty to Intervene.~~

~~3. Announce arrests~~

~~*[Moved to Statutory Authorizations]*~~

~~When making an arrest officers shall verbally announce the arrest to the subject, when feasible, 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.~~

~~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 P&P 5-300.~~

~~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.~~

~~e. 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.~~

K. H-Report Required

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

L. I-Training

1. All officers shall 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 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 MPD's policies and MN Statutes with regard to such force (in accordance with P&P-5-302 5-304, P&P 5-312, P&P 3-200 and P&P 5-400). 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 its use in deadly force and other than deadly force situations (in accordance with P&P 3-200 and P&P ~~5-302~~ 5-304). Such training and instruction shall continue on an annual basis.
5. The Chief of Police shall 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 be subject to corrective action or discipline.

N. ~~A.~~ Transfer of Custody

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

- The type of force used,₂
- Any injuries or alleged injuries sustained,₂
- Any medical aid rendered,₂ ~~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.

O. Policy Application

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

[Moved from [I-C]]