

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-303 Use of Force Review			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 5-303 of the MPD Policy and Procedure Manual shall be amended as follows:

5-303 Use of Force Review

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

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

I. Purpose

Supervisors play a critical role in promoting the humanity, dignity, and civil rights of people, ensuring that discriminatory policing is not tolerated, and that force is used legally, consistent with MPD policy, and in a manner that will promote community trust in MPD. Supervisor reviews of uses of force are essential to identify necessary individual and departmental corrective action.

II. I-Definitions

Responding Supervisor: The supervisor who is required to respond to the scene after being notified of reportable force, to conduct the Supervisor Force Review.

Supervisor Force Review: Supervisor Force Reviews (SFRs) are when the supervisor who was notified of a level 2 or level 3 use of force by an officer-employee responds to the scene, investigates the force incident, and documents their findings.

Secondary Force Review: Secondary Force Reviews are when the initial Supervisor Force Review (SFR) and reportable use of force incident undergo a review by another supervisor. This process ensures that each use of force gets thorough scrutiny and sets the expectation for performance coaching and mentoring in the chain of command.

Secondary Reviewer: The supervisor who conducts a Secondary Force Review, which includes a review of Supervisor Force Review and the reportable use of force incident.

III. ~~H.~~ Policy

- A. All level 2 and level 3 reportable uses of force, other than critical incidents (P&P 7-810), must be reviewed by a responding supervisor through a Supervisor Force Review, and by a secondary reviewer through a Secondary Force Review.
- B. In the circumstances in which multiple officers report on a use of force, the review process recognizes that different officers may have varying information and recollections. Differences in reporting do not necessarily indicate a lack of truthfulness.

IV. ~~III.~~ Procedures

A. Supervisor Force Review (SFR)

1. Supervisor Force Review purpose

The purposes of a Supervisor Force Review (SFR) are to:

- a. Collect and document information and evidence regarding the use of force; and
- b. Assess whether, based on the information available to the responding reviewing supervisor, the force used appears to have been consistent with MPD policy, including whether the force appears to have been objectively reasonable given the totality of the circumstances.

2. No review of own use of force or witnessed use of force

Supervisors shall not conduct a Supervisor Force Review on their own use of force, or for any use of force they participated in or observed, subject to the narrow exception below.

- a. If a supervisor uses force that requires a supervisor notification per policy, they shall not conduct any Supervisor Force Review for any officers ~~other sworn employees~~ at the scene.
- b. ~~b.~~ If a person 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. ~~e.~~ Any other supervisor of any rank who did not use or witness such force or have custody shall conduct the Supervisor Force Reviews.
- d. If another supervisor is unavailable within a reasonable period of time, a supervisor who observed the reportable use of force (but did not participate) may serve as the responding supervisor after documenting the efforts made to request another supervisor at the scene.

3. Responding sSupervisor responsibilities

The responding supervisor who is notified of and responds to a level 2 or level 3 use of force or In-Custody Injury or Illness incident by any officer ~~sworn MPD employee~~ shall:

- a. Determine if the incident meets the criteria for a Critical Incident. If so, follow the Critical Incidents policy (P&P 7-810).
- b. Instruct the involved ~~officers-employees~~ to request the subject remain on-scene until the supervisor arrives, if it is reasonable to do so.
 - If the subject does not remain on-scene, the supervisor shall go to the subject's location, if necessary, to complete the investigation.
- c. Immediately respond to the incident scene and conduct a preliminary investigation of the use of force or In-Custody Injury or Illness incident.
 - i. Identify the officers on scene during the incident. This includes identifying which officers were involved in the use of force, which officers were witnesses to the use of force, and which officers were otherwise on scene.
 - ii. ~~i-~~ Debrief the ~~officers-employee(s)~~ who engaged in the use of force.
 - iii. ~~ii-~~ Note any reported injury or alleged injury to any ~~person-individual~~ involved.
 - iv. ~~iii-~~ Note any medical aid/EMS rendered to any ~~person-individual~~ involved, and take reasonable steps to offer ~~officers-MPD-employees~~ and community members appropriate medical care.
 - v. Coordinate with any independent police conduct review entity, as appropriate.
 - vi. ~~iv-~~ Locate and review any evidence related to the force or injury incident (e.g. BWC, MVR, security video, private cameras, etc.).
 - vii. ~~v-~~ Ensure any on-scene evidence is preserved and collected.
 - viii. Interview the force subject, if they consent.

After advising the force subject that they are being interviewed because of the use of force and only if the person voluntarily consents to an interview, the responding supervisor shall document the consent and interview the person solely about the reportable use of force.
 - ix. Inspect and photograph the force subject, if they consent.

If the person consents, the responding supervisor shall visually inspect the force subject and document and photograph any injuries observed.
 - x. ~~vi-~~ Photograph the immediate area of the force event, and damage to equipment or uniforms caused by the force event.:

- ~~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~~

- ~~xi. Photograph any other person involved in the force event, if they consent, including any injuries sustained.~~
- ~~xii. vii.-Locate and identify witnesses to the use of force or injury incident to the extent reasonably possible, including known witnesses and witnesses who consent to be identified, and document their identities in the report.~~
- ~~xiii. viii.-Obtain statements from witnesses who consent to an interview, and include the statements in the report to the use of force or injury incident.~~
- ~~xiv. Obtain statements from officers who witnessed the use of force, and include the statements in the report.~~
- ~~xv. ix.-Review all officers' sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.~~
- ~~xvi. x.-Determine if the force used was reasonable or unreasonable, or if it appears to constitute possible misconduct. The supervisor shall contact the Internal Affairs Commander immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct.~~
- ~~xvii. xi.-Determine the level of the reportable force, independent of how the force was reported to the supervisor.~~
- ~~d. Complete and submit the "Use of Force Review" template as soon as practical, but prior to the end of that shift.
[Moved to [5- Documentation]]~~
- ~~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 MPD Policy. If the supervisor concludes that the use of force was or may have been unreasonable or not within policy, the supervisor shall:~~
- ~~• State in the Summary that they believe the use of force requires further review; and~~
 - ~~• Notify the Commander of Internal Affairs of their findings that the force requires further review.~~
- ~~e. Record the incident information on the approved MPD electronic form prior to the end of the shift, so that a Secondary Force Review can be completed.
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4. Non-discriminatory and impartial policing

- a. When reviewing the incident, the supervisor shall also identify whether officers violated the non-discriminatory and impartial policing provisions in MPD policy (P&P 5-104).
- b. If a supervisor identifies a potential violation the supervisor shall, as appropriate, provide any feedback for growth and improvement for the officer, refer the officer for training, and refer the incident for investigation by Internal Affairs, within 72 hours of the supervisor's review of the incident, absent exceptional circumstances. Any exceptional circumstances shall be documented.

5. Documentation

- a. All responding supervisors' documentation and forms regarding a reportable use of force incident shall be completed as soon as practical, but prior to the end of the shift, unless an extension is approved by the responding supervisor's Inspector or Commander.
- b. ~~d. Complete~~ The responding supervisor shall complete and submit the "Responding Supervisor—"Use of Force Review" form template as soon as practical, but prior to the end of that shift.
 - i. It is the ~~responding 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 ~~responding 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 MPD Policy. If the supervisor concludes that the use of force was or may have been unreasonable or not within policy, the supervisor shall:
 - State in the Summary that they believe the use of force requires further review; and
 - Notify the Commander of Internal Affairs of their findings that the force requires further review.
- e. ~~Record the incident information on the approved MPD electronic form prior to the end of the shift, so that a Secondary Force Review can be completed.~~

6. 4-Supervisor Force Reviews in civil disturbances and assemblies

During civil disturbances or assemblies (in accordance with P&P 7-805), reviewing supervisors shall complete the Supervisor Force Review requirements to the best of their ability, with the information available to them (which may be limited). At a minimum, the review should include:

- The type of force used.
- The amount of force used.
- The basis for the force used.

B. Secondary Force Review

1. Secondary Force Review purpose

The purposes of a Secondary Force Review are to:

- Confirm that the SFR included all required collection and documentation of evidence;
and
- Review all available evidence, and perform an additional, separate review of whether the use of force appears to have been consistent with MPD policy.

2. Secondary Force Review required

Secondary Force Reviews shall be completed for all SFRs.

3. Reviewer requirements

Secondary Force Reviews shall be completed by a supervisor at least one rank above that of the highest-ranking officer-employee who engaged in the reportable use of force, as designated by the Inspector or Commander in the chain of command for the initial SFR supervisor.

- The secondary reviewer shall be at the rank of Lieutenant or higher.
- In some instances, the secondary reviewer may be an appointed rank, when designated.
- Supervisors cannot complete a Secondary Force Review of their own SFR.
- Supervisors cannot complete a Secondary Force Review of an SFR of their own use of force, or any use of force they participated in or witnessed.

4. Thorough review

- The secondary reviewer shall review all of the information reasonably available regarding the use of force review, including BWC recordings made during the on-scene Supervisor Force Review, written reports, video, audio recordings, witness statements, photographs, and other evidence or information collected by the responding supervisor.
- The secondary reviewer is independently responsible for a thorough and substantive review of the evidence and an independent analysis of whether the use of force appears to have been consistent with MPD policy.

- c. The secondary reviewer is independently responsible for determining the level of the reportable use of force.
- d. The secondary reviewer shall review the documentation and data entered by the officer-employee who used the force to ensure that the documentation and data is sufficient and complete.

5. Determine if notifications are required

The secondary reviewer shall determine, based on the information reviewed, if the use of force requires a notification to Internal Affairs and any other independent police conduct review entity, and shall take appropriate action, including any required referrals or, and make any required notifications.

6. Provide timely feedback

The secondary reviewer shall provide timely feedback for growth and improvement, where appropriate, to the officer who engaged in the reportable use of force, the officer's supervisor, and the responding supervisor, and shall refer them to the MPD Training Division for additional training or support as necessary based on the incident.

7. ~~6-~~ Timeliness of Secondary Force Review

Secondary Force Reviews and the associated documentation shall be completed as soon as practical, but no later than within 5 calendar days of the completion of the initial SFR, unless an extension is approved by the secondary reviewer's Inspector or Commander.

8. ~~7-~~ Documenting the Secondary Force Review

After the Secondary Force Review is completed, the Secondary Force Review process shall be documented by recording the required information on the approved MPD electronic form. This includes the secondary reviewer's detailed assessment of compliance with MPD policy, any feedback for growth and improvement, and any required or recommended action.

9. ~~8-~~ Internal Affairs review

- a. After the Secondary Force Review is completed, Internal Affairs will ensure that all previous levels of review and documentation were completed properly.
- b. After Internal Affairs has checked the Secondary Force Review for completeness, they will determine whether the incident will be referred for further investigation by OPCR and Internal Affairs, or whether the review will be closed without further investigation.

C. Deputy Chief Review

Following the secondary review, the MPD Deputy Chief of Internal Affairs shall review all level 3 reportable uses of force and level 2 reportable uses of force that involve a strike to the head or neck, for compliance with policy and law, the use of tactics, and for any need to change policy or training.