



Minneapolis Police Department Policy and Procedure Manual

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Volume Five – Code of Conduct and Use of Force

Use of Force

5-303 Use of Force Review

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I. Definitions

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 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.

II. Policy

All level 2 and level 3 reportable uses of force, other than critical incidents (P&P 7-810), must be reviewed through a Supervisor Force Review, and through a Secondary Force Review.

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 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

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. Supervisor responsibilities

The 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 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 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. Debrief the employee(s) who engaged in the use of force.
 - ii. Note any reported injury or alleged injury to any individual involved.
 - iii. Note any medical aid/EMS rendered to any individual involved, and take reasonable steps to offer MPD employees and community members appropriate medical care.
 - iv. Locate and review any evidence related to the force or injury incident (e.g. BWC, MVR, security video, private cameras, etc.).
 - v. Ensure any on-scene evidence is preserved and collected.
 - 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. Locate and identify witnesses to the use of force or injury incident.
 - viii. Obtain statements from witnesses to the use of force or injury incident.
 - ix. Review all sworn employees' reports and supplements related to the use of force or injury incident for completeness and accuracy.
 - 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.
 - 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.
 - 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.

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:

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

2. Secondary Force Review required

Secondary Force Reviews shall be completed for all SFRs.

3. Reviewer requirements

Secondary Force Reviews shall be completed by a supervisor at least one rank above that of the highest-ranking 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.

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

4. Thorough review

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

- d. The secondary reviewer shall review the documentation and data entered by the 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 make any required notifications.

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.

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.

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.