



# Minneapolis Police Department Policy and Procedure Manual

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## Volume Five – Code of Conduct and Use of Force

### Use of Force

#### 5-301 Use of Force

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

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#### 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.

##### 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.

##### C. Use of Force Chapter Purpose

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.

#### 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:** A rare emergency situation 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 directed at harming 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 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

**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 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.

**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.”

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.

- 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.

3. Objectively reasonable force consistent with policy, law and training

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

- ii. Sworn MPD 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.
  - iii. 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.
  - iv. These facts and circumstances **shall** be articulated when documenting force (in accordance with the Force Reporting section in this 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 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.

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. 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 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.

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 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 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.

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

1. Any sworn MPD 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 (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.

### **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. 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 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 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 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.
  - 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 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 MPD employees shall write a detailed, comprehensive report for each instance in which reportable force was used (in accordance with [IV-B]). All uses of force shall be documented and investigated pursuant to MPD's policies.

## **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, 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). 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.

#### **IV. Procedures/Regulations**

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

Prior to transferring custody of a subject that force was used upon, sworn MPD 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**

(09/08/20) (12/22/20) (04/04/21) (01/01/23) (03/30/23) (06/26/23)

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##### **I. Purpose**

- A.** The MPD recognizes that combative, non-compliant, armed or otherwise violent subjects cause handling and control problems that require special training and equipment.
- B.** The MPD 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  
Canine  
Neck restraints and choke holds (prohibited)  
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 MPD employees shall only carry and use MPD approved weapons for which they are currently trained and authorized to use through the MPD Training Division, except in exigent circumstances. An authorized device is a device an officer has received

permission from the MPD to carry and use in the discharge of that officer's duties, and for which the officer has:

- a. Obtained training in the technical, mechanical and physical aspects of the device; and
  - b. Developed a knowledge and understanding of the MPD 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 that would be found objectively reasonable (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 P&P 5-300.
  3. If an exigent circumstance exists that poses an imminent threat to the safety of the employee or the public requiring the immediate use of an improvised weapon of opportunity, the employee may use the weapon in accordance with the standards in P&P 5-301 (including, but not limited to, the section on Objectively Reasonable Force Consistent with Policy, Law and Training).
  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. Statutory prohibition**

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. Securing a person in any way that results in transporting the person face down in a vehicle.
  - b. Less-lethal measures must be considered by the officer prior to applying these measures.
2. Prohibition on neck restraints and choke holds

Neck Restraints and choke holds are prohibited, in accordance with the section in this policy (P&P 5-302) covering neck restraints and choke holds.

### 3. Prone positioning

- a. People in MPD custody shall not be placed in the facedown prone position or any other position that causes a breathing restriction, other than briefly when necessary to secure the person or to prevent the person from causing harm to themselves or others.
- b. If a person is in a position that causes a breathing restriction, for the purpose of securing the person or preventing the person from causing harm to self or others, the person shall be placed in a sitting position, or laying on their side, in a recovery position, as soon as safely possible for all parties. These positions allow the person to breathe freely, reducing the possibility of bodily harm or death from any part of the body respiratory system being restricted or manipulated.

## 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 (in accordance with P&P 9-100).
  - ii. Handcuffs are authorized when transporting in-custody subjects (in accordance with P&P 9-100).
- 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 circumstances;
    - 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 with individuals at extremes of age in handcuffing such individuals 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 MPD 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 related devices.

2. Hogtying a subject is prohibited.

A hogtie involves tying the feet 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 an injury:

- aa. Body weight to pin on limbs, hips, the back or the stomach.
- ab. Control pressure on 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 to the ground

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

5. Neck restraints and choke holds covered elsewhere

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 (in accordance with P&P 5-301), 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 delivered 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 MPD 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 during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.

2. Standard projectiles
  - a. Officers shall only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.
  - b. The MPD Range shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. The MPD Range shall replace any rounds discharged 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. Officers 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 discharged 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 MPD-trained operator with a 40mm launcher respond to the scene.
  - c. Officers shall announce over the radio that a 40mm launcher will be discharged, 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 discharged so they do not mistake the sight and noise from the 40mm projectile discharge 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 discharging 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 to each precinct, City Hall and specialty units as needed.
  - i. Each 40mm launcher shall be kept its own case and in a secured gun locker.
  - ii. Only commanders or their designee and MPD-trained operators will have keys to the 40mm armory lockers.
- b. MPD-trained operators shall have the 40mm launchers available during their assigned shift, when possible.

## 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 and the Emergency Medical Response policy (P&P 7-350).
- 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 discharge 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 discharged. 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. MPD approved chemical agents may be used as a non-lethal use of force. The use of chemical agents shall be consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

- b. Chemical agents, regardless of canister size, shall only be discharged at subjects under the following circumstances:
    - i. During civil disturbances and assemblies, only when authorized in accordance with P&P 7-805.
    - 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 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).
  - c. Chemical agents shall not be discharged at persons who are Compliant or are Passively Resisting as defined by policy.
  - d. Sworn MPD 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 at a person 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: Touch/Contact Stun and Drive-** Applying drive-stun mode is when the CEW is strongly, with forceful pressure, pushed directly into a subject's nerve bundle and touch/contact stun mode is applied.

**Probe Mode:** When a CEW is used to discharge 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 MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is considered a less-lethal weapon.
- b. MPD officers are only authorized to carry CEWs that are issued by the department. Personally owned CEWs, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.
- 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 on a subject, personnel should activate 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 discharge 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 MPD employee's weak (support) side to avoid the accidental drawing or firing of their firearm. (SWAT members in tactical gear are exempt from this holstering requirement.)

### 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 activating 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 activating 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 activation 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 activated 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

- a. Officers who use their MPD issued CEW during the scope of off-duty employment within the City shall follow MPD policy and procedure for reporting the use of force and downloading their device.
- b. If officers carry their MPD 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 Department is sufficient for use while working for that agency.

5. Downloading and reporting

a. CEW downloading guidelines

- i. 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.
- ii. 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 in 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. MPD 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 delivered 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. Canine**

1. Canines shall only be deployed in accordance with P&P 7-807 Authorized Use of Canines.
2. When canines are used for apprehensions, handlers shall disengage their canines as soon as reasonably possible after the subject is able to be controlled or secured.
3. Officers are responsible for ensuring any person injured by an MPD canine receives medical treatment as soon as reasonably possible.
  - a. Officers shall request an ambulance to the scene whenever a person is apprehended by a canine.

4. The canine handler shall notify the Canine Sergeants immediately after any canine apprehension or accidental bite.
  - a. Officers will be debriefed by Canine unit supervisors and trainers as soon as possible following notification.
  - b. If a Canine Sergeant is not available, another MPD sergeant may be asked to do the force review (in accordance with P&P 5-303).
5. Canine handlers shall photograph all injuries and ensure the images are uploaded in accordance with P&P 10-400.
6. Upon notification of a bite or apprehension, a Canine Sergeant shall complete the K-9 Unit Apprehension Review form (MP-9090) and will send it electronically to the members of the review panel.

#### **K. Prohibition on Neck Restraints and Choke Holds**

Neck Restraints and choke holds are prohibited. Instructors are prohibited from teaching the use of neck restraints or choke holds.

MN Statute section 609.06 Subd. 3 (b) defines a choke hold “as a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.”

#### **L. Firearms**

1. Firearm discharges- when authorized

An MPD 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 (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).
- 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 extreme case of a ‘vehicle ramming attack’ where a vehicle is being used as a weapon to target people to cause great bodily harm or death, or
  - iii. In the extreme 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.
- ab. Being in the path of a moving vehicle shall not be the sole reason for discharging a firearm at the vehicle or any occupant.
- b. This prohibition includes attempting to disable the vehicle by discharging 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 discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.

- iii. Bullets discharged at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent persons, including passengers in the vehicle.
- iv. Bullets discharged 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 displaying a firearm

- a. An officer's decision to draw or display 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 displaying a firearm may limit an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.

#### 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 Watch Commander and when appropriate, the employee's Deputy Chief and the on-duty Homicide investigator. This does not include the discharge of a firearm with the intention of dispatching an animal, unless it results in injury to a person.
- iii. Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report policy (P&P 2-101).
- iv. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.

- v. At any officer-involved shooting incident, the Critical Incident Policy (P&P 7-810) 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 Internal Affairs unit supervisor 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 Watch Commander shall include all case numbers on the Watch Commander log.

## **5-303 Use of Force Reporting and Review**

(01/01/23) (03/30/23)

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

### **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.

- b. When force is documented in a Police Report with a Use of Force details page under this policy, the report shall include the code or type “FORCE.”
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 MPD, 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&P 5-303) can be fulfilled by the supervisor.

4. De-escalation reporting requirements

Any time a Use of Force details page is required for a Use of Force incident the officer 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 P&P 7-810. When a Police Report is required in accordance with P&P 7-810, 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

#### 1. No reporting required

The following listed actions do not require any Force Reporting (Use of Force details page, Narrative Text or supervisor notification) unless otherwise required by this policy:

- Presence
- Verbal commands
- Escort holds
- Verbal threats to use force
- Unholstering or displaying a weapon, other than a firearm, when engaged with a subject or subjects (including unholstering a CEW, unfolding a baton, etc.), without pointing it at a subject
- Unholstering or displaying a firearm when engaged with a subject or subjects

#### 2. Handcuffing

##### a. No Use of Force details page required

Handcuffing does not require a Use of Force details page.

##### b. Police Report required

- i. A Police Report is required for any incident involving handcuffing. The circumstances necessitating handcuffing shall be documented in a Narrative Text.
- ii. The application of handcuffs shall be marked in the corresponding box on each Entity handcuffs were applied to, subject to the exception for mass arrests below.
- iii. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC. The code FORCE is not required unless an injury or alleged injury occurred.

##### c. Injuries

Handcuffing does not require Supervisor notification unless:

- i. An injury or alleged injury occurred. This includes a loss of consciousness.
- ii. The incident aggravated a preexisting injury.

##### d. Handcuffing in mass arrests

- i. If the Chief, Assistant Chief or a Deputy Chief gives authorization during a mass arrest situation (which involves multiple officers and typically involves more than five arrestees), officers who only apply handcuffs and escort someone to a

transport vehicle do not have to record the application of handcuffs on the Entity form, as long as no injury resulted or was alleged to result from the handcuffing or escorting and as long as no additional force was used.

aa. The officer shall still enter a Narrative Text for the incident and describe their actions.

ab. The incident commander shall ensure that such authorization is documented in the Police Report, including the person who gave the authorization.

ii. 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.

### 3. Firearm pointing and less-lethal weapon pointing

This section applies to:

- Firearm pointing: Aiming a firearm at a subject or subjects with the intent to use or imply the use of Deadly Force
- Less-lethal weapon pointing: When a less-lethal weapon is aimed or arced at a subject or subjects with the intent to use or imply the use of the weapon, including arcing or red-dotting of a CEW)

#### a. No Use of Force details page required

Firearm and less-lethal weapon pointing do not require a Use of Force details page.

#### b. Police Report required

i. A Police Report is required for any incident involving pointing a firearm or less-lethal weapon. The circumstances necessitating firearm or less-lethal weapon pointing shall be documented in a Narrative Text.

ii. Firearm pointing shall be marked in the corresponding box on each Entity a firearm was pointed at.

iii. If there is no associated offense code, the report should use a code that corresponds to the problem nature code or if not applicable, the code MISC. The code FORCE is not required.

### 4. Use of Force details page and Narrative Text required

#### a. Types of force

A Use of Force details page and Narrative Text are required when any of the following listed force options or actions are deployed at or used with a subject:



- Joint manipulation
- Nerve pressure points (Touch pressure)
- Body weight to pin on limbs, hips, back or stomach
- Control pressure on limbs, hips or torso
- Chemical agent exposures in situations that are not civil disturbances or assemblies (in accordance with P&P 7-805), which require higher level reporting

b. Injuries

The listed force options do not require Supervisor notification unless:

- i. An injury or alleged injury occurred, including a loss of consciousness.
- ii. The incident aggravated a preexisting injury.

5. Supervisor notification required

a. Types of force

A supervisor notification is required in addition to a Use of Force Details page and a Narrative Text when any of the following listed force options are deployed at or used with a subject:

- Body weight to pin on the rib cage area or head
- Control pressure on the head
- Strikes (punches, kicks, knees, slaps)
- Bodily force not already listed (other than escort holds, joint manipulation and nerve pressure points)
- Takedown techniques or tackles (using physical force to direct a person to the ground)
- Chemical agent exposures during civil disturbances and assemblies (in accordance with P&P 7-805)
- 40mm less-lethal round discharges
- Impact weapon use
- Conducted energy weapon (CEW) discharges or drive-stun applications
- Canine apprehensions with a physical dog bite
- Deadly Force

b. Injuries

A Use of Force Details page, Narrative Text and a Supervisor notification are required for any force options that were previously covered in this policy on Force Reporting when:

- i. An injury or alleged injury occurred, including a loss of consciousness.

- ii. The incident aggravated a preexisting injury.
- c. Force not covered

A Use of Force Details page, Narrative Text and a Supervisor notification are also required for any force options not covered in this policy on Reporting Requirements.

#### **D. 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 Watch Commander

The supervisor shall immediately notify the Watch Commander of the incident directly by phone. If there is no Watch Commander on duty, the Commander of Internal Affairs shall be notified directly by phone.
3. Watch Commander response
  - a. Respond to the scene

The Watch Commander shall respond to the incident scene to gather information from the supervisor, observe the force subject and document any injuries.
  - b. Notify Internal Affairs

The Watch Commander shall immediately notify the Commander of Internal Affairs of the incident directly by phone.

#### 4. Internal Affairs response

When the Commander of Internal Affairs is notified by the Watch Commander or an on-duty supervisor of an incident involving force used on a handcuffed subject, the Commander shall assess the situation and determine if an Internal Affairs call-out is warranted (in accordance with P&P 2-108), and whether to make a notification to the Deputy Chief of the Professional Standards Bureau.

#### 5. Responding to the hospital

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

### **E. 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.

### **F. 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 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. On-duty supervisor responsibilities

The supervisor who is notified of a 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 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.
  - 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. 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
  - iv. Note any medical aid/EMS rendered to any individual involved.
  - v. Locate and review any evidence related to the force or injury incident (e.g. BWC, MVR, security video, private cameras, etc.).
  - vi. Ensure any on-scene evidence is preserved and collected.
  - 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

unit Commander 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 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), 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

### **G. 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 MPD 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 MPD 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 an equal or higher rank as designated by the Inspector or Commander in the chain of command for the initial SFR supervisor.
    - 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 recording the required information on the approved MPD electronic form.
3. 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.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-300

## Volume Seven – Field Operations

### Specific Call Procedures

#### **7-350      Emergency Medical Response** (06/18/18)

##### **I. Purpose**

The purpose of this policy is to lay out the roles and responsibilities of MPD employees in MPD incidents involving a medical emergency.

##### **II. Policy**

- A.** MPD employees shall request emergency medical services (EMS) as soon as practical if any employee has come into contact with an individual having an acute medical crisis and any delay in treatment could potentially aggravate the severity of the medical crisis, or as otherwise required by policy.
  - 1. While awaiting EMS, MPD employees assisting an individual having an acute medical crisis shall provide any necessary first aid consistent with MPD training, as soon as practical.
  - 2. Naloxone (Narcan) shall be administered only in accordance P&P 7-348.
- B.** MPD employees assisting individuals who are not in an acute medical crisis but may need medical attention shall offer EMS response, and shall document the offer and answer in a report, or if no report will be made via added remarks in CAD.
- C.** MPD employees shall not make any suggestions or requests regarding medical courses of action to be taken by any medical personnel. Determinations made by medical personnel regarding medical courses of action must be clearly made by medical personnel.
  - 1. MPD employees shall provide medical personnel with any necessary information related to the subject's observed or known conditions and behaviors, so the medical personnel can conduct a quick and accurate assessment and determine the best medical course of action.
  - 2. MPD employees shall provide medical personnel the names of any MPD employees who provided first aid or assisted with a person's care, so that notifications can be made to involved officers of possible exposure to any pathogens discovered through further medical examination.

- D.** MPD employees responding to incidents where EMS has already been requested shall not cancel EMS unless the employees determine that the call was unfounded or the subject is no longer at the scene.
- E.** MPD employees shall document in a report any assistance provided to medical personnel regarding the medical crisis, including actions taken by the employees, the effects of those actions on the subject, and the outcome of the situation. Any physical control applied by MPD personnel should be reported in accordance with the P&P 5-306 Use of Force-Reporting and Post-Incident Requirements.
- F.** Arrest or detention of individuals receiving treatment under this policy shall also be in accordance P&P 9-108 (Arrest or Detention of Injured Adults).





# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-800

## Volume Seven – Field Operations

### Tactical Response

#### 7-805 Crowd Management

(01/05/23)

Revisions to prior policies: (04/20/01) (08/17/07) (06/16/20) (08/21/20) (09/08/20)  
(10/31/20) (03/12/21) (01/01/23)

##### I. Purpose

- A. The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."
- B. The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.
- C. The Minneapolis Police Department supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.
- D. The purpose of this policy is to provide guidelines to MPD employees regarding the application and operation of law enforcement actions during public assemblies and First Amendment Activity.

##### II. Definitions

**Assembly:** An assembly is a group of people gathered together in one place for a common purpose.

**Civil Disturbance:** A civil disturbance, also known as civil disorder or civil unrest, is when a gathering or assembly becomes violent or involves a collective threat of imminent violence, including but not limited to, assaults, significant property damage, arson fires, and bodily injury to people.

**Control Holds:** Control holds are soft empty hand control techniques as they do not involve striking.

**Crowd Control:** Techniques used to address unlawful public assemblies.

**Crowd Control Purposes:** Using tactics or weapons to contain, control or disperse a crowd or assembly.

**Crowd Control Weapons:** Crowd control weapons include any weapon (or tool used as a weapon) used to address a civil disturbance or other unlawful public assembly. These include chemical aerosols, chemical munitions or projectiles (CS or OC), smoke munitions or projectiles, marking rounds (40mm direct, exact or blunt impact projectiles or rounds), rubber bullets, impact weapons (ASP batons, riot sticks, bicycles or other items used as impact weapons), and light sound distraction devices (inert, CS or OC blast balls). Authorization for use of crowd control weapons is set forth in section [D] below.

**Crowd Escort Actions:** Actions to escort crowds, moving or directing them back, with contact that does not rise to the level of a forceful shove or strike.

**Crowd Management:** Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and based on the specific circumstances presented and in light of prior crowd events.

**Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm.

**Demonstration:** An assembly of people organized primarily to engage in First Amendment activity. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

**First Amendment Activities:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression.

1. Common First Amendment activities include, but are not limited to:
  - Speeches
  - Demonstrations
  - Vigils
  - Picketing
  - Distribution of literature
  - Displaying banners or signs
  - Street theater, and
  - Other artistic forms of expression.
2. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.
3. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental

interest, and that they leave open ample alternative channels for communication of the information.

**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.

**Legal Observers:** Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

**Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

#### **Munitions:**

**Chemical Agent Munitions:** Munitions designed to deliver chemical agents from a launcher or be propelled by hand.

**Less-Lethal Impact Munitions:** Impact munitions which can be fired, launched, or otherwise propelled.

**Direct Fired Munitions:** Less-lethal impact munitions that are designed to be direct fired at a specific target.

**Indirect-Fired Munitions:** Less-lethal non-direct impact munitions that are discharged toward a surface in front of a target, intended to impact the subject following contact with the surface.

**Unlawful Assembly:** According to MN Statute section 609.714, "When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is:

1. with intent to commit any unlawful act by force; or
1. with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or

2. without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.”

### **III. Policy**

#### **A. Facilitating Exercise of Rights**

1. MPD employees shall not unlawfully interfere with people engaged in the lawful exercise of their rights.
2. The MPD will uphold the constitutional rights of free speech and assembly while using the minimum amount of physical force and authority required to address a crowd management or crowd control issue.
3. The policy of the MPD regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity.

#### **B. Policy Application**

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to:

- Spontaneous demonstrations,
- Spontaneous crowd event situations, and
- Planned demonstration or crowd events regardless of the permit status of the event.

#### **C. Use of Force**

1. Nothing in this policy prohibits officers’ abilities to use appropriate force options to defend themselves or others as defined in P&P 5-300.
2. Use of any crowd control weapons shall be reported and reviewed in accordance with the sections on Force Reporting and Supervisor Force Reviews in P&P 5-301.

#### **D. Supervisor Responsibility for Oversight**

Supervisors shall be responsible for:

1. Ensuring that officers assigned launchers or munitions have completed relevant training and certification as applicable.
2. Describing to on-scene officers the rules of engagement for the deployment of munitions, including a review of the applicable use-of-force policy sections.
3. Maintaining responsibility for the munitions issued and deployed.

4. Ensuring appropriate radio notification of deployments where practical and ensuring subsequent reporting.
5. Ensuring officers complete proper written documentation for the deployment of less-lethal weapons after deploying such tools.

#### **E. Incident Commander**

In some cases, the Incident Commander role in this policy may be the same person as the on-scene supervisor.

#### **F. Annual Policy Review**

This policy is to be reviewed annually.

### **IV. Procedures/Regulations**

#### **A. Uniform**

1. All officers responding to public assemblies shall at all times, including when wearing protective gear, display their agency name and a unique personal identifier in accordance with P&P 3-100.
2. The Chief or the Chief's designee shall maintain a record of any officer at the scene who are not in compliance with this requirement due to exigent circumstances.

#### **B. Officer conduct**

1. Officers shall maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
2. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
3. Officers shall not take action or fail to take action based on the opinions being expressed.
4. Officers shall not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity (P&P 9-202).
5. Officers shall not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition (P&P 5-302).
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

### C. Responses to Crowd Situations

#### 1. Spontaneous disturbances

Officers responding to large-scale disturbances, or those that are likely to become violent, shall notify their supervisor. The responding supervisor shall assume the role of Incident Commander and determine the need for additional assistance, equipment, and tactics to be used.

- a. The Incident Commander shall inform the Watch Commander, who shall contact MECC with information of the situation. MECC shall contact the Chief of Police and the appropriate Bureau Head, with information of the situation.
- b. The first level of additional assistance shall be precinct officers and designated response cars. The Incident Commander shall establish a field command post with a designated staging area. The Incident Commander shall designate officers for security details for police vehicles and equipment.
- c. The Incident Commander may request the activation of the SWAT team to provide additional demonstration management resources. Upon activation, the SWAT team will be deployed and directed by the SWAT Lieutenant in consultation with the Incident Commander.
- d. The Incident Commander shall be in charge of the incident as a whole, however, the SWAT Lieutenant shall direct the specific actions of SWAT members once they have been activated, consistent with the mission outlined by the Incident Commander.

#### 2. Lawful assembly

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

#### 3. Unlawful assembly

- a. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.
- b. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
- c. Whenever possible, the unlawful behavior of a few participants shall not result in the time, place or manner of expression being impacted for majority of peaceful

protestors, unless other participants or officers are threatened with dangerous circumstances.

- d. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

#### 4. Declaration of Unlawful Assembly

- a. If the Incident Commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) shall be recorded.
  - i. The declaration and dispersal order shall be announced to the assembly.
  - ii. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
- b. The dispersal order shall include:
  - iii. Name, rank of person, and agency giving the order.
  - iv. Declaration of Unlawful Assembly and reason(s) for declaration.
  - v. A minimum of two egress routes that may be used.
  - vi. Specific consequences of failure to comply with dispersal order.
  - vii. How long the group has to comply.
- c. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers shall recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
- d. Dispersal announcements shall be made in a manner that will ensure that they are audible over a sufficient area.
  - i. Dispersal announcements shall be made from different locations when the demonstration is large and noisy.
  - ii. The dispersal announcements should be repeated after commencement of the dispersal operation so that people not present at the original broadcast will understand that they must leave the area.

## 5. Crowd Dispersal

- a. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse and informing them that, if they do not disperse, they will be subject to arrest.
- b. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
- c. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the Incident Commander, and by using the minimum amount of physical force and authority needed to address the issue.
- d. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

### **D. Authorization for Crowd Control Weapon Use**

1. Except as provided in [E] below, during civil disturbances or assemblies (as defined in this policy), authorization for use of crowd control weapons shall only come from the Chief of Police, or if the Chief is unavailable, the Chief's designee at the rank of Deputy Chief or above.
  - a. Such authorization shall be given over the police radio via radio transmission to personnel on scene, whenever possible.
  - b. The Incident Commander shall ensure that any authorization for crowd control weapons (which must come from the Chief of Police or if the Chief is unavailable, the Chief's designee at the rank of Deputy Chief or above) is documented in the Police Report, including the person who authorized the use of crowd control weapons. MPD shall retain such documentation for a period of not less than seven years.
  - c. Sworn MPD employees shall not use crowd-control weapons in a civil disturbance or an assembly until they have been authorized under this policy, unless there is an immediate need to protect oneself or another from objectively imminent physical harm, as detailed in [E] below.
2. Crowd control weapons shall not be authorized for peaceful gatherings or assemblies (such as peaceful protests and demonstrations).



3. In situations not involving civil disturbances or assemblies, the use of weapons listed in this policy shall be in accordance with the other sections in P&P 5-300 specific to those weapons.

#### **E. Objectively Imminent Physical Harm to Oneself or Another**

1. If there is an immediate need to protect oneself or another from objectively imminent physical harm and crowd control weapons have not been authorized under [D] above:
  - a. Crowd control weapons, excluding chemical munitions, smoke munitions and light sound distraction devices, may be used without prior authorization in order to stop the assaultive conduct or act of violence.
  - b. In these circumstances, crowd control weapons may only be used against specific people who are posing a threat of objectively imminent physical harm to another person.
  - c. Chemical munitions, smoke munitions and light sound distraction devices may not be used in these circumstances.
2. The sworn officer using crowd control weapons under such circumstances must notify their supervisor of the use of crowd control weapons as soon as it is safe to do so.
3. The supervisor shall notify the Incident Commander or Watch Commander as soon as it is safe to do so.
4. Any sworn officer who uses crowd control weapons under this section (against specific people in an assembly without prior authorization) shall document and detail in the Police Report the specific circumstances establishing that there was an immediate need to protect themselves or another from objectively imminent physical harm. MPD shall retain such documentation for a period of not less than seven years.
5. The Incident Commander or Watch Commander who is notified shall email a brief notification before the end of their shift that an officer used crowd control weapons without prior authorization, including the case number and circumstances establishing the need to use the weapon, to the Chief of Police, Assistant Chief, Deputy Chiefs, and the Commander of Internal Affairs, for further review and handling.

#### **F. Crowd Control and Crowd Dispersal Tactics**

Crowd control weapons may only be authorized and used during civil disturbances and assemblies in accordance with P&P 5-300 and the conditions set forth in this policy, including the authorization requirements in section [D].

1. Canine use prohibited

Canines shall not be used for crowd control, crowd containment, or crowd dispersal.

2. Fire hoses prohibited

Fire hoses shall not be used for crowd control, crowd containment, or crowd dispersal.

3. FSDDs prohibited

FSDDs (also known as “flash-bangs”) shall not be used for crowd control, crowd containment, or crowd dispersal.

4. Electronic Control Weapons (ECWs) prohibited

Electronic Control Weapons (ECWs) shall not be used for crowd control, crowd containment, or crowd dispersal. This provision does not limit the use of ECWs under the conditions of [E] regarding objectively imminent physical harm.

5. Vehicles

a. Motorcycles and police vehicles shall not be used for crowd dispersal.

b. Vehicles may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

6. Bicycles

a. Bicycles may be used to control and move people as appropriate. Bicycles may be authorized for crowd escorts by the Incident Commander.

b. Strikes with bicycles and other uses of a bicycle as a weapon shall follow the policies and procedures for impact weapon use.

7. Horses

a. When authorized by the Incident Commander, horses may be used to contain, control, and direct groups in nonviolent demonstrations as appropriate.

b. Horses shall not be used against passively resistant demonstrators, including those who are sitting or lying down.

c. Unless exigent circumstances exist, horses should not be used when chemical agents are used or use is anticipated, or in icy or snowy conditions or when similar lack of footing may jeopardize the animal, rider, or others.

8. Munitions and 40mm Launchers

a. 40mm launchers

In accordance with the section on 40mm launchers in P&P 5-302, during civil disturbances or assemblies:

i. Carrying 40mm launchers

Only officers working in a certified SWAT capacity shall carry 40mm launchers, unless authorization is given by the Chief of Police, or when the Chief is unavailable, the Chief's designee at the rank of Deputy Chief or above, for other officers who have been trained in the use of 40mm launchers to carry them.

ii. Coordination of 40mm launcher use

Once use of 40mm launchers is authorized in accordance with section [D], and the SWAT supervisor is on scene, the supervisor shall coordinate all use of 40mm launchers on scene, including by any officers who were authorized to carry prior to the SWAT supervisor's arrival. Nothing in this provision limits the use of 40mm launchers authorized by section [E] regarding objectively imminent physical harm.

b. Less-lethal impact munitions

i. Use of less-lethal impact munitions

aa. Less-lethal impact fired munitions shall never be used indiscriminately against a crowd or group of people.

ab. Less-lethal impact munitions shall be used only against a specific individual who is engaging in conduct that poses an immediate threat of objectively imminent physical harm (as covered by section [E]).

ac. When circumstances permit, the Incident Commander shall make an attempt to accomplish the policing goal without the use of less-lethal impact munitions as described above, and, if practical, an audible warning shall be given to the subject before use of the weapon.

ii. Areas to avoid targeting

In accordance with the P&P 5-302, officers shall intentionally not discharge less-lethal impact munitions at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.

c. Chemical munitions

i. Sufficient egress

Chemical munitions may not be used unless sufficient egress exists to safely allow the crowd to disperse.

ii. Prohibition on CN chemical munitions

CN chemical munitions are prohibited.

iii. Announcements and area notifications

- aa. When feasible, additional announcements warning of the imminent use of chemical munition should be made prior to the use of chemical munitions in a crowd situation.
- ab. Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, the MPD should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

iv. Emergency medical services available

When chemical munitions are used, emergency medical services will be on standby at a safe distance near the target area when feasible.

v. Documenting chemical munition use

In addition to the use of force and de-escalation documentation requirements in P&P 5-301, the following information shall be documented for all chemical munition use:

- aa. The name of each chemical munition used in an incident.
- ab. The location and time of use for each munition use (as accurately as possible).

vi. Safety data sheet

The safety data sheet (SDS) shall be saved and maintained for all chemical munitions used by the MPD.

9. Impact weapons

a. Display of batons or riot sticks

Batons and riot sticks may be visibly displayed and held in a ready position during squad or platoon formations.

b. Crowd movement

Impact weapons (such as batons, riot sticks and riot shields) may be used as tools for crowd escorts when authorized by the Incident Commander.

c. Use of impact weapons

- i. Impact weapon strikes shall not be used indiscriminately against a crowd or group of people, but only against specific individuals who are physically aggressive or actively resisting arrest.

- ii. Impact weapon strikes should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.

- d. Areas to avoid targeting

Officers shall not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or strike with force to the armpit unless the person has created an imminent threat of great bodily harm to another.

- e. Use against a person in handcuffs

Impact weapons shall not be used against a person who is handcuffed except when permissible under P&P 5-300 and state law.

## 10. Aerosol hand-held chemical agents

- a. Use of aerosol hand-held chemical agents

- i. Aerosol hand-held chemical agents shall only be used against specific individuals who are engaged in conduct that poses an immediate threat of objectively imminent physical harm. Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used indiscriminately for crowd management, crowd control, or crowd dispersal.
- ii. Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.

- b. Subject exposure treatment

- i. When possible, people should be removed quickly from any area where hand-held chemical agents have been used. Officers shall monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
- ii. A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or while restrained with any device.

## G. Arrests

- 1. Encircle crowd

If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd to make multiple simultaneous arrests.

## 2. People seeking to be arrested

- a. People who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and shall not be subjected to other dispersal techniques, such as the use of impact weapons or chemical agents.
- b. People refusing to comply with arrest procedures may be subject to the reasonable use of force.

## 3. Arrests of non-violent people

Arrests of non-violent people shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.

## 4. Arrestee injuries

- a. Officers shall document any injuries reported by an arrestee, in accordance with P&P 5-301.
- b. As soon as practical, officers shall obtain professional medical treatment for the arrestee, in accordance with P&P 5-301 and P&P 7-350.

## 5. Juvenile arrests

Juveniles arrested in demonstrations shall be handled consistent with MPD policy on arrest, transportation, and detention of juveniles (P&P 8-300).

## 6. Arrests of people with disabilities and Limited English Proficiency

- a. Officers arresting a person with a disability affecting mobility or communication shall follow the MPD policy on arrest, transportation, and detention of people with disabilities (P&P 7-1002 and P&P 7-1003).
- b. Officers shall follow P&P 7-1001 for providing services to people who are Limited English Proficiency.

## 7. Handcuffing arrestees

### a. Handcuff policies

All people subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with MPD policy, orders, and training bulletins (including P&P 5-301, P&P 5-302 and P&P 9-109).

**b. Flex-cuffs**

- i. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves.
- ii. When an arrestee complains of pain from overly tight flex cuffs, officers shall examine the cuffs and ensure proper fit.
- iii. Arrestees in flex-cuffs shall be monitored to prevent injury.
- iv. Each unit involved in detention or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

**H. Media.**

The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.

1. The media shall not be restricted to an identified area, and shall be permitted to observe and shall be permitted close enough access to view the crowd event and any arrests. An on-scene supervisor or the Incident Commander may identify an area where media may choose to assemble.
2. Officers shall not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
3. The media shall not be targeted for dispersal or enforcement action because of their media status.
4. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

**I. Legal Observers**

1. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
2. Legal observers and monitors must comply with all dispersal orders unless an on-scene supervisor or the Incident Commander chooses to allow such legal observers and monitors to remain in an area after a dispersal order.
3. Legal observers and crowd monitors shall not be targeted for dispersal or enforcement action because of their status.

**J. Documentation of Public Assembly and First Amendment Activity**

1. Public assembly or first amendment activity shall not be visually documented, except under the following circumstances:
  - a. Documentation of the event for the purposes of debriefing,
  - b. Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges (including through required BWC or MVR activations in accordance with P&P 4-223 and P&P 4-218), or
  - c. Creating visual records for training purposes.
  - d. When authorized under MN Statute section 626.19 Subd. 4 regarding UAV use.
2. Any authorized video or photo documentation shall be done in a manner that minimizes interference with people lawfully participating in First Amendment activities.
3. Videotaping and photographing of First Amendment activities shall take place only when authorized by an on-scene supervisor or the Incident Commander.
4. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
5. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
6. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and photographs shall be destroyed in accordance with MPD policies, City Retention Guidelines and State law.
7. This policy shall not prohibit employees from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

**K. Training**

1. Initial and ongoing training
  - a. All officers should receive yearly training on appropriate responses to crowd control and crowd management.



- b. Officers assigned to specialty units that respond to crowd control situations should receive additional training on appropriate responses to crowd control and crowd management, in addition to the yearly department-wide training.
- 2. Joint training

Joint training should also be conducted with all agencies who are involved in crowd management activities.
- 3. Less-lethal 40mm launcher and munition training
  - a. The MPD shall ensure that officers assigned the weapons or munition have completed relevant training and certification as applicable, ideally well in advance of an incident.
  - b. The training shall describe the rules of engagement for the deployment of munitions, including a review of the applicable use-of-force policy sections.



# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-800

## Volume Seven – Field Operations

### Tactical Response

#### 7-809 Crisis Intervention

(06/22/01) (12/28/06) (11/06/07) (10/25/18) (03/01/19) (04/01/19) (08/15/22)

##### I. Purpose

Sanctity of life, officer safety and the protection of the public shall be the principles of the Minneapolis Police Department's (MPD) crisis intervention response policies and procedures.

The purpose of this policy is to provide all sworn MPD employees with clear and consistent policies and procedures regarding interaction with people who are suffering from a crisis by:

- Improving the safety of people in crisis, officers, and the Minneapolis community,
- Promoting community solutions to assist people in crisis, and
- Diverting those people away from the criminal justice system.

##### II. Definitions

**Behavioral Crisis Response (BCR) team:** The City of Minneapolis has established Behavioral Crisis Response (BCR) teams to respond to incidents of non-violent mental health crises. All crisis responders are mental health practitioners or professionals as defined by MN Statute section 245.426, Subd. 17 and 18.

**Crisis:** An event or situation where a person's safety and health are threatened by behavioral health challenges, to include mental illness, developmental disabilities, substance use, or overwhelming stressors. A crisis can involve a person's perception or experience of an event or situation as an intolerable difficulty that exceeds the person's current resources and coping mechanisms and may include unusual stress in their life that renders the person unable to function as they normally would. The crisis may, but not necessarily, result in an upward trajectory or intensity culminating in thoughts or acts that are possibly dangerous to the person or others.

**Crisis Intervention:** An attempt by an MPD officer to de-escalate a person in crisis or refer or divert the person to other services when appropriate.

**Crisis Intervention Coordinator:** An officer of the MPD who is responsible for the Crisis Intervention Program. The Crisis Intervention Coordinator is the point of contact between mental health and crisis intervention issues involving the MPD and the community, including crisis intervention training, reporting and policies. The Crisis Intervention Coordinator will maintain continuous working relationships with all community partners, with specific emphasis on mental health and advocacy partnerships.

**Crisis Intervention Data Collection Form:** A data collection form that gathers required crisis intervention information for the MPD to track and assess gaps in crisis intervention responses and training.

**Crisis Intervention Program:** A partnership program between police, mental health agencies, advocates, and the community that seeks to achieve the common goals of safety, understanding, and service to people in crisis, those suffering from mental health issues and their families. The goals of the Crisis Intervention Program are to:

- Improve the safety and security of people in crisis and their family, community members, and officers.
- Improve the quality of life for people suffering from mental illness or crisis.
- Change how society and systems view people suffering from mental illness or crisis.
- Change how healthcare and criminal justice systems respond to people suffering from mental illness or crisis.

**Crisis Intervention Trained Officer:** A licensed peace officer of the MPD who has completed the MPD’s approved crisis intervention training. Crisis Intervention Trained Officers work in cooperation with community partners, mental health facilities and organizations.

**Developmental Disability:** A physical, cognitive, or emotional impairment often caused by a neurodevelopmental disorder such as cerebral palsy or autism spectrum disorder that results in a person’s limited functions in areas such as self-care, language, learning, mobility, self-direction, comprehension, or capacity for independent living and economic self-sufficiency.

**Disengagement:** Disengagement is a strategic decision to leave, delay contact, or delay custody of a person in crisis when there is not an immediate need to detain them.

**Mental Illness:** MN Statute Section 245.462, Subd. 20 defines mental illness as “an organic disorder of the brain or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is detailed in a diagnostic codes list published by the commissioner, and that seriously limits a person's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, and recreation.” Mental illness conditions may be characterized by impairment of a person’s normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors.

**Person in Crisis (PIC):** The nature code for a person experiencing a crisis event or situation (as defined in this policy).

### III. Policy

- A. The MPD shall handle encounters with people in crisis in a manner that reflects the values of protection, safety and sanctity of life, while promoting the dignity of all people. People in crisis may require heightened sensitivity and additional special consideration.

- B. Whenever feasible and appropriate, officers shall use de-escalation techniques and other alternatives to higher levels of force, consistent with their training (in accordance with P&P 5-301).
- C. The MPD shall handle incidents involving mentally ill, chemically dependent or developmentally disabled people and those in crisis, with care and expertise, ensuring that such people receive appropriate responses based on their needs.

#### **IV. Procedures/Regulations**

##### **A. Crisis Intervention Response**

1. Responding to calls involving a person in crisis
  - a. Whenever possible, a Crisis Intervention Trained Officer will be dispatched to incidents involving a person in crisis who is believed to be in danger of harming self or others, and is:
    - Believed to have a mental illness or developmental disability, or
    - Believed to be chemically dependent or intoxicated in public.
  - b. If officers who are dispatched or responding to a call involving a Person in Crisis (PIC) have not received Crisis Intervention training, the officers shall notify dispatch of the need for a Crisis Intervention Trained Officer to respond.

2. Inform person of steps being taken

When practical, officers should inform the person and their family (if on-scene) of the steps being taken while assisting the person to a treatment facility, making referrals, or making an arrest, including providing information such as contact numbers and the reasons for the actions being taken.

3. Juveniles in crisis

- a. Officers responding to call involving a person in crisis who find that a juvenile is in need of psychiatric care (whether or not under arrest) may contact the Hennepin County's 24/7 Mobile Mental Health Child Crisis Services (612-348-2233) for assistance.
- b. In accordance with MN Statute section 260E.06, officers shall report the incident to Child Protection Services Intake at 612-348-3552.

##### **B. Emergency Admission Procedures and Transport Holds**

1. Transport holds

In accordance with MN Statute section 253B.051, subd. 1, if a peace officer or health officer has reason to believe, either through direct observation of the person's behavior or

upon reliable information of the person's recent behavior and, if available, knowledge or reliable information concerning the person's past behavior or treatment that the person is believed to be in danger of harming self or others, and is:

- Believed to have a mental illness or developmental disability, or
  - Believed to be chemically dependent or intoxicated in public.
- a. Both of the following elements are required to take an individual into custody under a transport hold:
- Has a mental illness or developmental disability, or is chemically dependent or intoxicated in public.  
*and*
  - Is in danger of harming self or others if not immediately detained.
- i. The police officer's statement shall specify the facts to substantiate why the officer has reason to believe both elements are applicable.
- b. The peace or health officer does not need to directly observe the behavior or other facts upon which the transportation hold is based and may consider information from other reliable and reasonably trustworthy sources.
- i. The sources can be based on the statements of the person, witnesses, family members, or on the physical scene itself.
  - ii. Anonymous tips must be corroborated through direct observation or identifiable, reliable sources.
- c. If the person in crisis is only posing a danger of harming self and not others, and is resistant to the transport hold, officers should consider whether continued contact with the person in crisis may result in an unreasonable risk to the person, the public or officers.
- i. Officers may choose to strategically de-escalate or disengage to avoid resorting to physical force when the danger to the person in crisis by self-harming is no longer imminent and the person has not committed a serious or violent crime.
  - ii. Officers should only consider using this technique when it is safe and prudent to do so.
- d. The police officer shall complete the Application by Peace Officer for Emergency Evaluation Form (MP-9094), also known as the MPD "transport hold" form, when taking a person into custody under MN Statute section 253B.051 subd. 1 and transporting the person to a health care facility for evaluation.
- i. The form can be found on City Talk under Forms.

- ii. The form can be completed online but must be printed for distribution.
- iii. The police officer completing the form shall provide a copy of the completed form to:
  - the health care facility,
  - the person taken into custody and
  - to the transporting agency, if the person is not transported by the police officer.
- e. The transport hold allows the person to be transported to a hospital and held until they are evaluated. After the evaluation, the hospital may release the person or place them under a 72-hour hold.
  - i. When a police officer responds to a health officer's call to assist in transporting a person, the health officer should identify themselves to the police officers as qualified under the statute to write a transport hold.
  - ii. If the transport hold order is written by a health officer (on or off-site) and presented to a police officer, the police officer may assist in executing the transport hold.
  - iii. Officers also have the authority to sign a transport hold, based on the factors set out above.

## 2. Health officer defined

In accordance with MN Statute section 253B.02, Subd. 9, a health officer is defined as one of the following:

- a licensed physician;
- a mental health professional (as defined in MN Statute section 245.462, Subd. 18);
- a licensed social worker;
- a registered nurse working in an emergency room of a hospital;
- an advanced practice registered nurse (APRN);
- a mobile crisis intervention mental health professional; or
- a formally designated member of a prepetition screening unit.

## 3. Transportation for Emergency Admission

- a. Any necessary transportation for emergency admission shall be to a health care facility (e.g. HCMC, Fairview Riverside, NMMC or Abbott).
- b. All searches of a person taken into custody and transported shall be in accordance with the Search and Seizure policy (P&P 9-201).

- c. Officers are advised to request an ambulance to transport a combative person to the hospital.
  - i. An officer shall ride in the ambulance during the transport of the combative person.
- d. If the person to be transported is a juvenile, officers shall make a reasonable attempt to notify the parent or guardian as soon as practical.
- e. In the event a dispute arises regarding the MPD's Transporting for Emergency Admission section, a Supervisor will be called to the scene.
- f. MN Statute section 253B.051 Subd. 1(e) states that "as far as practicable, a peace officer who provides transportation for a person placed in a treatment facility, state-operated treatment program, or community-based treatment program under this subdivision must not be in uniform and must not use a vehicle visibly marked as a law enforcement vehicle." If a transport is required and unmarked and non-uniformed resources are available, officers should use those to make the transport.

#### **C. People in Crisis Who Require Medical Attention or Transport**

1. Officers shall call EMS and render first aid in accordance with P&P 7-350 Emergency Medical Response.
2. If a person in crisis requires a transport but is unable to walk due to a medical or physical condition or other circumstances, officers shall call EMS to transport the person to the medical facility.

#### **D. Handcuffing People in Crisis**

1. Officers shall use extreme caution when taking a person in crisis into custody and shall use handcuffs when the person is not restrained by other means (in accordance with P&P 9-109)
2. When safe and feasible, use of handcuffs shall be explained to the person being handcuffed and to the parent or family member (if present) in a tactful manner, using age-appropriate language for minors.
3. Once the person in crisis is calm, under control and handcuffed, officers shall keep the person under constant observation while in custody, and shall continue with de-escalation techniques as necessary.

#### **E. Reporting Procedures**

Officers responding to any incident involving a person in crisis shall comply with the following reporting requirements:

1. Reporting transportation for emergency admission
  - a. When a person in crisis is placed under a transport hold by MPD, and is involuntarily transported, the transporting officer(s) shall complete a Police Report titled CIC.
  - b. When MPD is the primary responding agency and determines that a transport by ambulance is necessary, the officer(s) shall complete a Police Report titled CIC.
  - c. When MPD is not the primary responding agency, and a person in crisis is placed under a transport hold and is transported by ambulance (or means other than MPD), the officer(s) shall request that MECC change the nature code to PIC prior to clearing the call.
    - i. When MPD officers complete a transport hold requested by a health officer, the MPD officers shall upload a copy of the completed hold form to Evidence.com under the incident number, and shall note the transport hold in added remarks in CAD.

2. Citation or arrest

When a person in crisis is cited and released or arrested for an offense, the arresting officer shall complete the Police Report.

3. Nature code

If an original incident (e.g. CKWEL, SUSPP, DIST) is later determined to be an incident involving a person in crisis, officers shall request that MECC change the nature code to PIC prior to clearing the call.

4. Report

When a report is required, officers completing the Police Report shall:

- a. Use CIC as the primary code or include CIC as an additional code when CIC is involved but not the primary code.
- b. Avoid references to the mental health of a person in any report synopsis available for public disclosure. All such information shall be documented in the nonpublic narrative section.

5. Crisis Intervention Data Collection form

- a. When the nature code of a call is PIC, the primary squad handling the call shall complete the Crisis Intervention Data Collection form in MDC prior to clearing. This form does not replace any required reports.
- b. Questions regarding the Crisis Intervention Data Collection form should be directed to the Crisis Intervention Coordinator.



## **F. Early Release from a Transport Hold or 72-Hour Hold**

If a treatment facility releases a person from a transport hold placed by MPD officers or a 72-hour hold placed by the treatment facility, before the hold period expires, all related notifications from the facility shall be forwarded to the precinct supervisor in the precinct where the person was taken into custody. The supervisor shall review the case and make the determination regarding further actions.

## **G. Referral options**

1. Referral options for behavioral health and social service agencies, veteran and homeless resources, child and adolescent services, and hospital systems are provided on the MPD's Sharepoint site under Crisis Intervention Resources.
2. If an officer learns of a new agency that can be used as a resource, the officer should notify the Crisis Intervention Coordinator via e-mail and include the agency name, address and phone number as well as the resources that can be provided. The Crisis Intervention Coordinator will add this information to the Crisis Intervention Resources.

## **H. Behavioral Crisis Response (BCR) teams**

1. BCR response

When on duty, BCR teams will be responding to 911 calls involving community members with mental health challenges. The calls for service will be routed to the BCR teams via MECC only. They do not have a crisis line. They will be assigned calls by dispatch.

2. BCR transports

BCR teams can transport people on a voluntary basis only. They will not transport people who are placed on a transportation hold.

3. Call types and screening

- a. When BCR teams are on duty, MECC will screen calls to determine if they are appropriate for the BCR response. Such calls will be designated by the nature codes of:
  - BCR (Behavioral Crisis Response), and
  - BCRW (Behavioral Crisis Response Welfare)
- b. If a BCR team is not on duty or unavailable to respond, or if call circumstances change requiring the response of a Crisis Intervention Trained Officer, MECC will change the nature code to the appropriate MPD nature code (PIC, CKWEL, etc.) and will dispatch a squad. BCR teams will defer to responding officers instructions upon arrival.

- c. Officers dispatched to such calls shall follow current MPD policy and training in responding to these calls.
- d. In accordance with MECC protocol, a Crisis Intervention Trained Officer must be dispatched to incidents involving people in crisis who are believed to be mentally ill or developmentally disabled, in the following situations:
  - Firearms(s) or access to firearm(s) involved
  - Weapons(s) currently in their possession or threatening the use of weapon(s)
  - Physical violence has occurred or threats of physical violence toward others
  - When injury has taken place that is life threatening (example: someone has ingested pills, taken more than prescribed medication, alcohol, etc.)
  - Situations involving physical intervention to secure safety, i.e. someone on a bridge or ledge
  - When a BCR team is on-site and determines that the scene is unsafe



# Minneapolis Police Department Policy and Procedure Manual

Number:  
7-800

## Volume Seven – Field Operations

### Tactical Response

#### 7-810 Critical Incidents (09/21/07) (04/21/09) (07/21/16) (06/30/20)

##### I. Purpose

- A. The MPD and its employees understand that the performance of law enforcement duties is inherently demanding and that certain situations create a significant risk of physical and emotional harm to the officer. It is therefore important to the department to develop standards and procedures for responding to Critical Incidents that ensure the safety and well-being of its employees and that provide a means by which employees may seek assistance in dealing with the effects of critical or traumatic events.
- B. This policy shall be administered in a manner that is consistent with the department's desire to treat affected employees with dignity and respect under such circumstances and to provide information and assistance to them concerning their involvement in critical/traumatic events, their recovery, and their return to duty.
- C. The department also recognizes that having established standards and procedures for responding to Critical Incidents is necessary to facilitate the prosecution of suspects, and to give the public a sense of safety and to promote public confidence in the department's response to Critical Incidents.
- D. It is the purpose of this policy to establish investigative and administrative procedures that ensure the safety and well-being of officers while promoting public safety and confidence at Critical Incidents.

##### II. Definitions

**Critical Incident:** An incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Minneapolis Police Officer
- Death or Great Bodily Harm to an officer
- Death or Great Bodily Harm to a person who is in the custody or control of an officer
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm

**Great bodily harm:** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Investigation:**

**Administrative Investigating Entity:** The Minneapolis Police Department Internal Affairs unit (IAU), unless otherwise designated by the Chief of Police or their designee. The Administrative Investigating Entity is responsible for the administrative investigation of the Critical Incident which includes checking for adherence to policy, and identifying policy failures, tactical and training issues, and potential civil liability issues.

**Chief's Proxy:** The Commander of the Internal Affairs unit or their designee at the scene, acting on behalf of the Chief of Police, who has ultimate authority to intervene in the criminal and administrative investigations and direct the activity of all MPD personnel to protect the integrity of the investigations.

**Criminal Investigating Entity:** The Minneapolis Police Department Homicide unit, unless otherwise designated by the Chief of Police or their designee. The Criminal Investigating Entity is responsible for the criminal investigation of the Critical Incident.

**Investigators:** All persons from the MPD Homicide unit and Internal Affairs unit who are conducting an investigation of the Critical Incident, unless other Criminal Investigating and Administrative Investigating Entities have been designated by the Chief of Police or their designee.

**Lead Investigator:** The Investigator in charge of the criminal investigation or their designee at the scene. The Lead Investigator shall be from the MPD Homicide unit, unless otherwise designated.

**Headquarters- Investigative:** The MPD Homicide Office or such other location designated by the Lead Investigator, at which Witness Officers gather immediately following a critical incident for purposes of meeting with legal counsel, Police Assistance Program (PAP) personnel, talking to investigators, and surrendering firearms or other equipment as deemed necessary.

**Headquarters-Involved Officer's Room:** The location designated by the Lead Investigator at which Involved Officers gather immediately following a critical incident for purposes of relaxing, meeting with legal counsel, Police Chaplin, Police Assistance Program personnel, talking to investigators, and surrendering firearms or other equipment as deemed necessary.

**Mental Health Professional (MHP):** A psychiatrist, psychologist or Police Assistance Program (PAP) contract consultant who is on the Federation and City's approved list to meet with officers involved in Critical Incidents. The Police Assistance Program (PAP) representative maintains the list.

**Officers:**

**Escort:** An officer assigned by the Incident Commander at the scene to stay with an Involved Officer and any Witness Officers until relieved by Investigators. Whenever possible, Escorts assigned to Involved Officers shall be of the rank sergeant or above.

**Incident Commander:** The MPD patrol supervisor at the scene who has taken command and control of the scene.

**Involved Officer:** An officer who appears to have engaged in conduct constituting a Critical Incident.

**Witness Officer:** An officer who witnesses a Critical Incident, but did not engage in any conduct constituting a Critical Incident.

### **Reports and Statements:**

**Police Report:** A report or statement in a report that sets forth the officer's account of an incident and is entered into the MPD's Records Management System.

**Public Safety Statement:** A mandatory statement from the Involved Officers which provides information necessary to ensure public safety. This may include questions about the direction in which the Involved Officer fired their firearm, injured people, location of dangerous weapons or information on any suspects still at large and any other information necessary to facilitate the commencement of the investigation.

**Voluntary Statement:** A statement given by Involved or Witness Officers to Investigations Bureau Investigators which is voluntary and outlines details associated with the Critical Incident. Voluntary statements from officers are essential for bringing criminal charges against suspects, defending officers, and maintaining community trust by providing the Chief of Police with sufficient information to appropriately address community concerns. Voluntary statements will be taken in question and answer (Q&A) format.

## **III. Policy**

### **A. Report Timing**

Involved and Witness Officers shall complete their Police Reports, or statements in the Police Report, as soon as practical, unless the Chief has relieved the Officer of the obligation. Any authorization to relieve the Officer of the obligation must come from the Chief.

### **B. Police Reports and review of audio or visual data**

To capture and document the Officers' perceptions and recollections uninfluenced by outside sources, Involved and Witness Officers shall not review audio or visual data prior to completing their Police Reports, or statements in the Police Report, and shall not review such data afterward without the Chief's authorization.

## **IV. Procedures**

### **A. On-Scene Procedures**

#### **1. Notification of a Critical Incident**

- a. As soon as a Critical Incident occurs, a Witness or Involved Officer shall immediately notify their supervisor and the MECC dispatcher that a Critical Incident has occurred.
- b. MECC shall immediately send out a text message pursuant to MECC protocol and notify the Watch Commander.

#### **2. Incident Commander's Duties**

The Incident Commander shall:

- a. Announce on-air that they are the Incident Commander.
- b. Make sure the scene is safe.
- c. Render first aid if necessary.
- d. Set up crime scene boundaries and keep the crime scene secure.
- e. Determine the identity of Involved and Witness Officers.
- f. Determine the identity of Witness Officers.
- g. Take a Public Safety Statement from Involved Officers.
- h. Assign Escort Officers to Involved and Witness Officers.
- i. Keep the Involved and Witness Officers separated from each other.
- j. Identify civilian witnesses and keep them separate from each other.
- k. Designate an officer to complete the Police Report.
- l. Protect the quality and integrity of audio and visual data by ensuring MVR recordings are not played or reviewed in squad cars and BWC data are not reviewed prior to collection by Crime Lab Unit personnel.
- m. Remain on the scene to meet with and brief Investigators upon their arrival at the scene. Identify all Involved Officers, Witness Officers, other witnesses, and other known evidence at the scene for the Investigators.

### 3. Public Safety Statements

- a. The Incident Commander shall ask the Witness and Involved Officers questions to:
  - i. Determine the direction of fire to locate anyone who may be injured.
  - ii. Determine the location of any known firearms or dangerous weapons.
  - iii. Determine if there are any outstanding suspects, their description, direction of travel, vehicle, weapons they possess and crimes they have committed.
  - iv. Provide details to enable the primary responders or investigators to secure the scene.
  - v. Facilitate the commencement of the investigation.
  - vi. Allow for officer or civilian safety at the scene.
- b. Due to the immediate need to take action, the officer does not have the right to wait for representation before answering the limited Public Safety questions.

### 4. Scene Investigation

- a. MPD Homicide unit Investigators and Internal Affairs Investigators shall have equal access to the scene and should jointly view the scene and any evidence at the scene.
- b. MPD Crime Lab personnel shall collect identified evidence at the direction of Investigations Bureau and Internal Affairs Investigators, including MVR recordings from all squads at the Critical Incident scene (in accordance with P&P 4-218) and Body Worn Camera data (in accordance with P&P 4-223).
- c. All Investigators at the crime scene shall complete a statement in the Police Report.

## **B. Procedures for Involved and Witness Officers**

### 1. Supporting Officers following a Critical Incident

Officers involved in Critical Incidents, whether Witness or Involved Officers, can be profoundly affected by the incident. How a Witness or Involved Officer is treated during the time following a critical incident can minimize or aggravate the psychological effect on them. Therefore, first and foremost, anyone dealing with a Witness or Involved Officer should keep in mind the following guiding principles at all times:

- Be sensitive to individual officer needs. Physical contact with the officer must be evaluated on an individual basis. Often officers feel overwhelmed by people wanting to console them. Before attempting to speak with an officer, please ask the Escort attending to the officer to inquire if the officer would like to meet with

you. If the officer declines to meet with any particular person, please honor their decision.

- Because Witness or Involved Officers can be profoundly affected by Critical Incidents, they should not be left alone or ignored.
- Avoid making the officers feel like a suspect.

## 2. Managing Involved Officers

### a. Involved Officers at the scene

- i. The MPD Incident Commander shall determine which officers are Involved Officers. The Incident Commander at the scene shall promptly assign an Escort to stay with each Involved Officer until relieved by a Homicide Investigator. One Escort shall be assigned for each Involved Officer. Whenever possible, Escorts assigned to Involved Officers shall be of the rank sergeant or above and shall not be the Incident Commander.
- ii. Involved Officers shall not talk to anyone at the scene about the incident, except to the Incident Commander, Lead Investigator or legal counsel and to provide a Public Safety Statement to the Incident Commander.
- iii. The Involved Officers shall not be unreasonably denied access to legal counsel at the scene.
- iv. As soon as practical, the Escorts shall take the Involved Officers from the scene to the designated drug and alcohol testing collection site in accordance with P&P 3-1001. After test samples are obtained, the Escorts shall transport the Involved Officers to Headquarters-Involved Officer's Room.
- v. Escorts shall keep the Involved Officers separate from other Involved and Witness Officers.
- vi. Unless a supervisor has a reason to believe that the officer may pose a threat to self or to others, or unless directed by the Investigators, the Involved Officers' firearm should not be taken at the scene.
- vii. Involved Officers should not be placed in the back seat of a police vehicle.

### b. At Headquarters- Involved Officer's Room

- i. If Involved Officers request, they shall not be unreasonably denied access to:
  - Food and drink
  - Restroom facilities
  - Telephone to contact loved ones
  - A representative from the Federation or other legal counsel



- A representative from the MPD Employee Resource Program or the responding peer support team member
  - A Community Chaplain or other clergy
- ii. If requested by Investigators, Involved Officers shall make themselves available for a firearms inspection and shall surrender their firearm and any other requested equipment to the Investigators. Homicide Investigators will take custody of the Involved Officer's firearm, place it in a paper bag, and put it in the evidence locker in Investigative Headquarters if Crime Lab personnel are unavailable to take immediate custody of the weapon. The evidence locker will be locked immediately after the firearms are placed inside. Crime Lab personnel will remove the officer's handgun from the locker and process in accordance with P&P 10-400.
  - iii. Involved Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.
  - iv. Involved Officers shall be allowed a reasonable opportunity to consult with Federation representatives, legal counsel, Community Chaplain or other clergy, and MPD Employee Resource Program personnel.
  - v. After consultation with legal counsel, the Involved Officers or legal counsel will inform the Lead Investigator or designee if the Involved Officers are willing to give a Voluntary Statement.
    - aa. Voluntary Statements should be given as soon as possible, but in all cases within 48 hours of the Critical Incident to ensure the continuity of the investigation unless the involved officer is not able to do so.
    - ab. Involved Officers' statements shall be given at Investigative Headquarters or such other location chosen by the Lead Investigator. All statements from involved officers will be taken in question and answer (Q&A) format.
- c. Administrative Leave
- i. Involved Officers shall be placed on a mandatory paid administrative leave for a minimum of three calendar days and a maximum of seven calendar days following the Critical Incident unless otherwise requested by the officer and approved by the Chief or the Chief's designee. Such administrative leave does not relieve the Officer of the requirements of this policy.
  - ii. An officer shall not work a uniformed off-duty job or buyback while on Administrative Leave (in accordance with P&P 3-800). An officer may work an approved non-uniform, non law-enforcement off-duty job while on a "pending investigation" administrative leave at the sole discretion of the Chief or their designee.

d. After Incident Care for Involved Officers

i. Peer Debriefing

All Involved Officers may take part in a group peer debriefing facilitated by the MPD Employee Resource Program or other Mental Health Professional and after care as necessary.

ii. Psychological Debriefing

All Involved Officers shall be required to meet with a Mental Health Professional selected by the officer from the approved list.

aa. Such meeting or meetings shall be considered on-duty time, and the City shall pay the fees of the Mental Health Professional as stated in the Collective Bargaining Agreement.

aa. If, after consultation, the Mental Health Professional renders an opinion that the Involved Officer is not yet fit for duty, the Involved Officer shall be placed on Injured on Duty (“IOD”) status, pursuant to Minneapolis Civil Service Rule 15.19(A). If the Mental Health Professional determines that the officer is not able to return to work in any capacity after the officer has exhausted IOD benefits, the officer may continue to be eligible for paid time off pursuant to MN Statute section 299A.411 and applicable provisions of the Labor Agreement and other Civil Service Rules.

ab. Any disputes concerning the officer’s ability to return to work shall be resolved in accordance with the Collective Bargaining Agreement.

ac. A return to duty determination and documentation will be presented to the Chief of Police by the Mental Health Professional prior to the Involved Officer being returned to duty.

3. Managing Witness Officers

a. Witness Officers at the scene

i. The Incident Commander shall determine which officers are Witness Officers. As soon as possible, the Incident Commander shall assign an Escort to each Witness Officer. If possible, one Escort shall be assigned to each Witness Officer. Witness Officers shall be separated from each other and other witnesses and shall not talk to anyone at the scene about the incident other than the Incident Commander, Lead Investigator or legal counsel and to provide a Public Safety Statement.

ii. The Witness Officers shall be allowed a reasonable opportunity to consult with legal counsel at the scene.

- iii. As quickly as possible after the Public Safety Statement, Witness Officers will be released from the scene by the Lead Investigator and advised to proceed to Investigative Headquarters. The Lead Investigator will inform the Incident Commander of any officers released from the scene. Witness Officers shall be advised that they are to wait at Investigative Headquarters for an opportunity to meet with legal counsel, a Community Chaplain or other clergy, or MPD Employee Resource Program personnel.
- b. Witness Officers at the Investigative Headquarters
    - i. Witness Officers shall be afforded an opportunity to meet with a Community Chaplain or other clergy, the responding MPD Employee Resource Program representative and to consult with legal counsel or Federation representatives.
    - ii. After such consultations, statements from Witness Officers are to be taken by Homicide Investigators prior to the officers being released from duty unless otherwise directed by Homicide Investigators. All statements by Witness Officers will be taken in a question and answer (Q & A) format.
    - iii. If requested by Investigators, Witness Officers shall make themselves available for a firearms inspection and shall surrender their firearm and any other requested equipment to them. Homicide Investigators will take custody of the Witness Officer's firearm, place it in a paper bag, and put it in the evidence locker in Investigative Headquarters if Crime Lab personnel are unavailable to take immediate custody of the weapon. The evidence locker will be locked immediately after the firearms are placed inside. Crime Lab Personnel will remove the officer's handgun from the locker and process (in accordance with P&P 10-400).
    - iv. Witness Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.
  - c. Administrative Leave
    - i. A Witness Officer may request to be placed on paid administrative leave for up to three calendar days following the Critical Incident. The decision to grant the request shall be made at the sole discretion of the Chief or their designee. The decision on whether to grant paid administrative leave shall be promptly communicated to the Witness Officer by their commander or the commander's designee. Such administrative leave does not relieve the Officer of the requirements of this policy.
    - ii. If an officer is granted a paid leave, the officer shall not work a uniformed off-duty job or Buy Back while on Administrative Leave. An officer may work an approved non-uniform, non law-enforcement off-duty job while on a "pending investigation" administrative leave at the sole discretion of the Chief or their designee.

d. After Incident Care for Witness Officers

i. Peer Debriefing

All Witness Officers shall take part in a group peer debriefing facilitated by the MPD Employee Resource Program representative or other designated Mental Health Professional and shall take part in any after-care, if appropriate.

ii. Psychological Debriefing

- aa. Witness officers granted a paid leave shall be required to meet with a Mental Health Professional selected by the officer from the approved list.
- ab. Witness officers not on a paid leave shall be encouraged and allowed to meet with the Mental Health Professional selected by the officer from the approved list. Such meeting or meetings shall be considered on-duty time, and the City shall pay the fees of the Mental Health Professional pursuant to the Collective Bargaining Agreement.
- ac. If, after consultation, the Mental Health Professional renders an opinion that the Witness Officer is not yet fit for duty, the Witness Officer shall be placed on Injured on Duty (“IOD”) status, pursuant to the Labor Agreement. If the Mental Health Professional determines that the officer is not able to return to work in any capacity after the officer has exhausted IOD benefits, the officer may continue to be eligible for paid time off pursuant to applicable provisions of the Labor Agreement.
- ad. Any disputes concerning the Officer’s ability to return to work shall be resolved in accordance with the Labor Agreement.
- ae. After consultation, a return to duty determination and documentation will be presented to the Chief of Police by the Mental Health Professional. In the case of a Witness Officer on paid administrative leave, their fitness for duty determination and documentation will be presented to the Chief of Police prior to being returned to duty.

**C. Consultation with Legal Counsel**

- 1. Involved and Witness Officers are entitled to consult with their legal counsel during the pendency of the Critical Incident investigation, up to and including any grand jury proceedings.
  - a. Such reasonable and necessary meeting or meetings shall be considered on-duty time and the fees of the legal counsel may be eligible to be paid by the City pursuant Chapter 466 of the Minnesota State Statutes and the City’s legal fees policy.

- b. Officers shall be personally responsible for payment of any legal fees that exceed the hourly rate provided for in the City’s legal fees policy.
2. It is common for Critical Incidents to result in civil lawsuits being filed against the City and the officers. Pursuant to the City’s adopted defense and indemnity policy, the Minneapolis City Attorney’s office, as the legal counsel for the City of Minneapolis, defends the City and *its employees* in such suits. Therefore, it is very important in order to properly prepare to defend any potential lawsuit following a Critical Incident that the City Attorney’s office be able to fully investigate the Critical Incident as soon as possible. For that reason, both Witness and Involved Officers shall be required to meet with and otherwise cooperate with the Civil Division of the City Attorney’s office when appropriate in its investigation and subsequent defense of any case that may arise.

#### **D. Internal Affairs**

The Internal Affairs unit shall be responsible for conducting an Administrative Investigation of all Critical Incidents and will investigate the Critical Incident simultaneously with Homicide Investigators. The IAU Commander or the Commander’s designee will be the Chief’s Proxy on scene.

##### **1. Scene Access**

MPD Homicide Investigators and Internal Affairs unit Investigators have equal access to the scene, evidence, civilian witnesses and all investigative data obtained at the scene.

##### **2. Suspect and Witness Interviews**

Homicide Investigators shall ensure that all suspect and critical witness interviews are done in the monitored and recorded interview rooms at Investigative Headquarters. IAU will be notified of the interviews and may observe the interviews from the monitors in Investigative Headquarters.

##### **3. Investigative Data and Additional Evidence**

Homicide Investigators shall notify in a timely manner and provide investigative data to IAU Investigators from sources not on scene, investigative reports or additional evidence as the investigation proceeds. IAU will have full access to all investigative records, statements and evidence that is collected during the criminal investigation. Evidence collected during any Critical Incident shall not be released without IAU approval.