



2019 MPD POLICY



MPD Policy: Purpose *(5-301)*

- Sanctity of life and the protection of the public
- Clear & consistent force policies

MN STAT 629.32

- 629.32 Minimum restraint allowed for arrest; warrant must be shown upon request.
- A peace officer making an arrest may not subject the person arrested to any more restraint than is necessary for the arrest and detention. The peace officer shall inform the defendant that the officer is acting under a warrant, and shall show the defendant the warrant if requested to do so. An arrest by a peace 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. A peace officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

MN STAT 629.33

- 629.33 When force may be used to make arrest.
- If a peace officer has informed a defendant that the officer intends to arrest the defendant, and if the defendant 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. After giving notice of the authority and purpose of entry, a peace officer may break open an inner or outer door or window of a dwelling house to execute a warrant if:
 - (1) The officer is refused admittance;
 - (2) Entry is necessary for the officer's own liberation; or
 - (3) Entry is necessary for liberating another person who is being detained in a dwelling/house after entering to make an arrest.

Authorized Use of Force (5-303)

MN State Statute 609.06

Reasonable Force may be used by Peace Officers when they reasonably believe they are:

1. Effecting Lawful Arrests
2. Executing Legal Process
3. Enforcing Court Orders
4. Executing any duty Imposed by Law

Use of Deadly Force (5-305)

MN State Statute 609.066

Deadly force by Peace Officer, in the line of duty, is justified when necessary to:

- Protect self/others from apparent death or great bodily harm
- Effect arrest, capture or preventing escape of Subject known (or reasonable grounds to believe) has committed/attempted a felony
and:
 - Subject has threatened or used deadly force (or)
 - Subject will cause death or great bodily harm to someone if arrest is delayed

Use of Deadly Force (5-305)

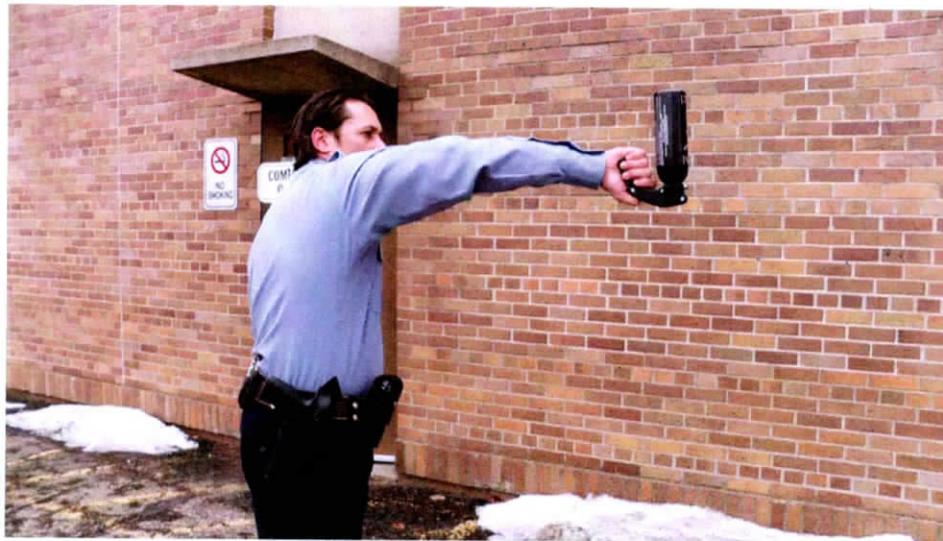
- Tennessee v. Garner
 - “The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally *unreasonable*.”
- Warning shots shall not be fired
- Moving/Fleeing Motor Vehicles
- Officers’ Actions that Unnecessarily Place Themselves, Suspects, or the Public at Risk

Proportional Force

- If it's reasonable to believe a situation can safely be controlled at a lower level of force, an Officer should start there. Officers need to be able to articulate at least one of the following when force is used:
 - Lower force was ineffective (*did not work*)
 - Lower force would likely be ineffective (*would not work*)
 - Lower force was unsafe to try (*too dangerous to try*)

Large Canister Malfunctions

- Aerko M-9 and Def Tech MK-9 are not 360 degree delivery systems
- Point the canister in a safety direction
- Turn the canister upside down
- The chemical agent should stop spraying/deploying

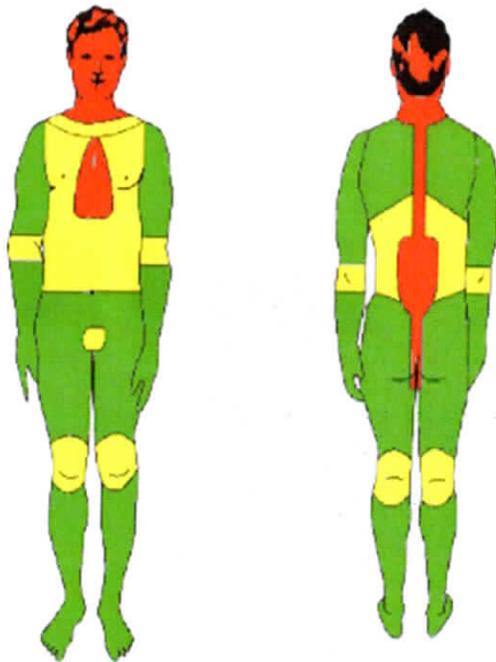


Chemical Agents – Post Exposure Treatment/EMS (5-313.01)

Shall include one or more of the following:

- Removal from area of exposure
- Fresh air
- Cool water rinse (*if available*).
- Medical Aid or EMS (*follow training*)
 - Shall keep under close observation until transfer of custody
 - Shall inform the individual receiving custody of the use of a chemical agent.

Striking Zones – Probability of Injury



Red Zones:

Injury tends to range from serious to long lasting rather than temporary, and may include unconsciousness, serious bodily injury, shock or death.

Yellow Zones:

Injury tends to be more long lasting, but may also be temporary.

Green Zones:

Injury tends to be temporary rather than long lasting, exceptions can occur.

Use of Neck Restraints(5-311)

Definitions

- Neck Restraint
 - Non-Deadly Force – Pressure on sides of neck; slowing blood flow to/from brain
 - Conscious – light to moderate pressure; controlling technique
 - Unconscious – maximum pressure; need to control through unconsciousness

USE OF CONDUCTED ENERGY DEVICES (5-314)

- **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.
- **Arcing:** Un-holstering the CEW and activating the CEW with the arc switch for purposes of threatening its use prior to actual deployment. In some cases, this may be effective at gaining compliance without having to actually discharge a CEW at a subject.

USE OF CONDUCTED ENERGY DEVICES (5-314.01)

- The preferred method for use of CEW's is in the probe mode. Use of CEW's in the drive stun mode shall be limited to defensive applications and/or to gain control of a subject who is exhibiting active aggression or exhibiting active resistance if lesser attempts at control have been ineffective.

USE OF CONDUCTED ENERGY DEVICES (5-314.01)

- **Note:** 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. When this is the case officers should immediately fire another cartridge rather than administering continued ineffective cycles.
- Unless exigent circumstances exist as defined by policy, no more than one officer should intentionally activate a CEW against a subject at one time.
- Officers shall, unless it is not feasible to do so, give verbal warnings and/or announce their intention to use a CEW prior to actual discharge. Use of the CEW's laser pointer (red dotting) or arcing of the CEW may be effective at diffusing a situation prior to actual discharge of the CEW.
- 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)

USE OF CONDUCTED ENERGY DEVICES (5-314.02) – SUBJECT FACTORS

Prior to using a CEW on a subject in flight the following should be considered:

- The severity of the crime at issue;
- Whether the suspect poses an immediate threat to the safety of the officer or others, and;
- The officer has a reasonable belief that use of the CEW would not cause significant harm to the subject fleeing unless use of deadly force would otherwise be permitted.

USE OF CONDUCTED ENERGY DEVICES (5-314.05) – POST EXPOSURE TREATMENT/MEDICAL AID

Post exposure treatment (Medical Aid) for a person that has been exposed to the electricity from the CEW shall include the following:

1. Determine if the subject is injured or requires EMS.
2. Render medical aid consistent with training and request EMS response for evaluation at anytime if necessary
3. Request EMS response for probe removal if probes are located in sensitive areas (face, neck, groin or breast areas).
4. Wear protective gloves and remove probes from the person's non-sensitive body areas.

USE OF CONDUCTED ENERGY DEVICES (5-314.05) – POST EXPOSURE TREATMENT/MEDICAL AID

5. Secure the probes (biohazard “sharps”) point down into the expended cartridge and seal with a safety cover.
6. When appropriate, visually inspect probe entry sites and/or drive stun locations for signs of injury.
7. When appropriate, photograph probe entry sites and/or drive stun locations.

Crime Lab

- Crime Lab requests that at a Critical incident scene...if possible, Officers remove cartridge from CEW and put it down. Do not break any wires, do not remove probes. After you remove cartridge, re-holster CEW.

Crime Lab

- If a CEW was used during a critical incident, the CEW will be property inventoried by the Crime Lab for processing firing data evidence.
- Crime Lab personnel will collect the CEW from you and any unused cartridges you are carrying in room 100/108.

5-314.04 USE OF CONDUCTED ENERGY DEVICES (CEW) – DOWNLOADING/REPORTING

Officers are required to report all actual uses of their CEW consistent with Department guidelines by reporting the actual discharge/deployment of a CEW. Successful de-escalation of a situation by threatening its use shall be documented in the narrative of your report. (Or remarks of call if no report)

CEW Downloading guidelines:

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

MRT – Use (5-316)

Only used in situations where subject is:

- Handcuffed & combative and
 - Poses threat to self/other, or
 - Could cause significant damage to property if not restrained.

MRT application:

1. One Hobble around ankles
2. One Hobble around waist
3. Connect hobble from ankles to waist **IN FRONT** of subject.

MRT – Safety (5-316)

- Side Recovery Position ASAP
- No Prone Transport
- Monitor until EMS or transfer of custody
- Request EMS if medical condition arises
- Transported 2-person squad; seat belt on and seated upright MVR activated and Body Cameras activated
- Notify next agency of MRT application

NOTE – do not hogtie unless no other option (i.e. life saving measures) and change to MRT as soon as possible

MRT – Reporting (5-316)

1. Supervisor Force Review Required (5-306/7)

Officer's report shall document:

- Circumstances requiring use
- How the MRT was applied
- How long restrained
- How transported & in what position
- Observations of the subject's physical and physiological actions
 - examples include: significant changes in behavior, consciousness or medical issues.

Use of Unauthorized Weapons (5-310)

- Shall carry & use only authorized weapons
- Must be currently trained & authorized to use
- Exigent Circumstances Exception:
 - Exigent circumstances with imminent threat to safety of officer/others
 - Officer may use improvised weapon of opportunity
 - Chairs; radio; flashlight; knives; paint cans; etc...

Reporting & Post Incident Requirements (5-306)

- Medical Assistance
 - As soon as reasonably practical (code 4)
- Supervisor Notification
- Transfer of Custody – Verbal Notification:
 - Type of Force
 - Injury (real or alleged)
 - Medical / EMS

Reporting & Post Incident Requirements

(5-306)

Supervisor Notification & PIMS Reporting

- PIMS Report – **No**; Supervisor Notification – **No**
 - Joint Manipulation/control; Pressure Points; Cuffing; Gun draw/point

- PIMS Report – **Yes**; Supervisor Notification – **No**
 - Takedown Techniques; Chemical Agent Exposure

- PIMS Report – **Yes**; Supervisor Notification – **Yes**
 - All other force (including real/alleged injuries; neck restraints; MRT applications)

Reporting & Post Incident Requirements (5-306)

- PIMS Reports
 - Titled “FORCE”
 - Completed by end of shift
 - All applicable portions completed
- Prior Injuries
 - Titled “PRIORI”

Civil Disturbances (5-312)

On-Scene IC will evaluate & determine reasonable force options. Refrain from using less-lethal force (chemical agents; CED; strikes; baton; etc...) unless authorized by IC.

This does not apply if there is an immediate need to protect self/others from apparent physical harm.

Riot Baton – Only carried/deployed in anticipation of Civil Disturbance

Authorized Equipment (3-205)

- Batons:
 - Shall carry in uniform (unless CED)
 - ASP or Monadnock; No longer than 26”
- Chemical Agents:
 - Shall carry 4oz in uniform; Larger carried if authorized by supervisor
 - Department issued product only
- Sworn MPD employees shall carry a CEW (if issued) while working in a uniform capacity.

Authorized Equipment (3-205)

- Flashlights:
 - Shall carry in uniform
 - Diameter 1 ½” or less; 2-5 cells only
 - Black finish

- Knives:
 - May carry as tool
 - No longer than 4” blade

- Hobbles:
 - Shall be available in squad or on person
 - RIPP Restraint Hobble

Use of Force Policy

- This was just an overview
- It is your responsibility to know and understand MPD Policy
- Contact the Training Unit with questions