

MONTPELIER POLICE DEPARTMENT

<p>RESPONSE PROCEDURES TO THE STATEWIDE USE OF FORCE POLICY</p>	<p>Related Policies: Duty to Intervene City Personnel Plan and Policies Police Union Contract MPD Firearms, Ammunition, Accessories and Qualifications Crisis Intervention Team Program Officer Involved Shootings</p>
<p><i>These procedures are for internal use only and do not enlarge an employee’s civil liability in any way. These procedures should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of these procedures, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
<p>Applicable Vermont Statutes: 20 V.S.A. § 2368, 20 V.S.A. § 2351, Executive Order 03-20, Statewide Police on Police Use of Force, H.145., 18 V.S.A. § 7105 Arrest of Eloped Persons, 18 V.S.A. § 7505 Mental Health Warrants, 18 V.S.A. § 4810 Intoxicated/Incapacitated Persons</p>	
<p>CALEA Standard:</p>	
<p>Date Implemented: 10/28/2021</p>	<p>Review Date: 10/28/2022</p>

- I. **Purpose:** The purpose of this document is to outline the Montpelier Police Department’s (MPD) procedures regarding the statewide Use of Force policy. MPD seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.

- II. **Procedural Intent:** Among MPD’s highest priorities are to engage in practices that foster mutual respect, preserve dignity during interactions, and to prioritize the sanctity of life. It is the intent of these procedures to emphasize safety for responding officers, the public, and the subject(s). To do this, MPD shall seek recurring de-escalation-based training for its officers, will ensure officers are proficient in force option tools, to include firearms, and the Department shall incorporate as many less-than-lethal options as possible.

MPD recognizes its members, particularly officers, are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving regarding the amount of force that is necessary in a particular situation. These decisions shall be judged based on reasonableness and the totality of the circumstances known by the member at the time and not with the benefit of 20/20 hindsight. Nothing in these procedures require members to take actions, that unreasonably endanger themselves or others.

When force is necessary to bring an event or incident under control, officers will use only objectively reasonable force which is necessary and proportional to effect an arrest, to prevent escape or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime, shall conduct continuous evaluations as to use-of-force options in emergency, critical, and crisis situations, and whenever possible shall leverage time and stakeholder resources in planning and responding to life-threatening incidents. MPD procedures shall not conflict with the state Use of Force policy. However, MPD may implement additional internal guidelines in addition to those established by the State.

III. Definitions:

- A. Active aggression:** Behavior that an objectively reasonable officer would believe creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.
- B. Active resistance:** A subject using physical activity to resist or take affirmative action to defeat an officer's ability to take them into custody or to seize them, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to themselves, the subject, or a third person. Examples of active resistance include pulling away, escaping, fleeing, struggling, and not complying on physical contact.
- C. Chokehold:** The use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person's breathing or blood flow.
- D. Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury. Also referred to as lethal force.
- E. De-escalation:** Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject. This generally refers to the act of moving from a state of high tension to a state of reduced tension. Common de-escalation techniques include deliberately slowing the progression of law enforcement actions, using barriers, cover and distance, as well as communicating in a calm, clear manner, using active listening skills and asking open ended questions. When appropriate and available, officers should consider calling in and relying on resources, such as crisis teams or embedded social workers, to assist in de-escalating a situation.
- F. Force:** Physical coercion employed by a law enforcement officer to compel a person's compliance with the officer's instructions. For the purposes of these procedures, this includes all law enforcement actions beyond compliant handcuffing.
- G. Imminent Threat of Death or Serious Bodily Injury:** Based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent

threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of harm, but is one that, from appearances, must be immediately addressed and confronted.

- H. Intervene:** To come between, whether physically or verbally, to prevent or alter a result or course of events.
- I. Law Enforcement Officer:** Shall have the same meaning as 20 VSA 2351a¹, used interchangeably with “officer.”
- J. Mental Impairment:** A diminishment in an individual’s cognitive, emotional or behavioral functioning as a result of a physiological or psychosocial factors. A person may experience mental impairment for a variety of reasons, including as a result of a mental illness, drug or alcohol use or a physical illness such as traumatic brain injury or a diabetic emergency.
- K. Necessary:** When a reasonable officer with the same information and in the same situation would conclude that no reasonably effective alternative appears to exist.
- L. Objectively Reasonable:** Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer’s failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation, in circumstances that are tense, uncertain, dynamic and rapidly evolving. Factors to be considered in determining the objective reasonableness of force include, but are not limited to:
 - 1. The seriousness of the crime or suspected offense;
 - 2. The level of threat or resistance presented by the subject(s) (e.g. proximity to weapons, potential for escape, availability of other resources or officer backup);
 - 3. Whether the subject was posing an immediate threat to officers or a danger to the community;
 - 4. The potential for injury to citizens, officers or subjects (e.g. levels of exhaustion, relative size, strength, skill level, age of suspect versus officer as well as number of officers versus subject(s)).
- M. Passive Resistance:** A subject who takes no affirmative action to defeat police efforts to make an arrest but who does not respond to verbal commands and may refuse to move by sitting down, acting as “dead weight” or similar.
- N. Proportional:** To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied.

¹ H.145 language (a)(5)

Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

- O. Totality of the Circumstances:** The conduct and decisions of the law enforcement officer leading up to the use of force and all facts known to the law enforcement officer at the time, including the conduct of the person or persons involved.

IV. Procedures:

- A.** MPD shall provide officers with training, clear procedural guidelines and supervision on use of force consistent with law and the statewide policy on an annual basis. Officers shall be required to pass an annual department-issued test regarding procedures and the statewide Use of Force policy.
- B.** Department members may only use force that is objectively reasonable, necessary, and proportional to:
 - 1. Ensure their personal safety;
 - 2. Ensure the safety of another;
 - 3. Stop an attack;
 - 4. Make an arrest;
 - 5. Control a subject;
 - 6. Overcome resistance of a person the officer has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective;
 - 7. Prevent escape.
- C.** In determining whether a particular use of force is objectively reasonable, officers shall consider:
 - 1. Seriousness of the offense the officer believes the subject is involved in;
 - 2. Whether or not the subject poses an immediate physical threat to the officer or others;
 - 3. The degree of the threat posed by the subject;
 - 4. Whether the subject is actively resisting or attempting to evade arrest/detention by flight;
 - 5. Whether the totality of the circumstance justifies the officer's response.
- D.** Factors in Choosing the Level of Force Deployed: Circumstances that may be considered in an officer's assessment of physical threat and the appropriate use of force include, but are not limited to, the following:
 - 1. Severity of the offense or significance of the need to apprehend the subject;
 - 2. Age;
 - 3. Size;
 - 4. Skill level (known, demonstrated or stated knowledge of advanced fighting techniques, etc.)
 - 5. Number of suspects;

6. If suspect is armed or reported to be armed;
 7. Actual proximity to weapons;
 8. Prior experience with the suspect(s);
 9. Location of the encounter;
 10. Background or peripheral hazards;
 11. Subject's response to commands/instructions;
 12. Availability of cover for officer(s);
 13. Physical condition and position of the officer and subject(s), e.g., injuries, officer on ground or in a compromised position;
 14. Time considerations;
 15. If subject's conduct is a result of medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control;
 16. Potential danger to the public;
- E.** Officers are not required to use or consider alternatives that increase danger to themselves or others. Nothing in the statewide Use of Force policy or these procedures shall require officers to assume unreasonable risks. In assessing the appropriate use of force, the safety of the public and the officer(s) is paramount.
- F.** To the extent feasible, officers shall use de-escalation tactics, including communicating verbally or non-verbally during a potential force encounter prior to any use of force.
- G.** To the extent feasible, officers shall allow individuals reasonable time to submit to arrest or detention before force is used.
- H.** To the extent feasible, officers shall make reasonable attempts to inform the subject of the reason the officer will or is taking relevant use of force actions.
- I.** Officers shall not knowingly create exigency or take actions that may increase the likelihood of force becoming necessary.
- J.** Officers shall continuously, carefully, and thoroughly evaluate and re-evaluate any force in a manner that reflects the gravity of their authority to use force.
- K.** Officers shall reduce any applied level of force proportionately with the level of the subject's resistance or aggression.
- L.** MPD acknowledges that presence is not a technical use of force option, however officers should note their presence in a given encounter may escalate or de-escalate a situation, and their ability to communicate can be an effective way to control a situation. Officers shall utilize communication skills to de-escalate situations when practical and safe to do so.
- M.** When feasible, officers shall give verbal orders to a subject(s) regarding arrest, investigative detention, or protective custody. Officers shall also, when feasible, provide to a subject(s) verbal warnings regarding non-compliance and the results. All subjects should be informed as to the reason of a detention as soon as practical.

- N. Officers shall maximize time, physical distance (e.g., cover and concealment) when reasonable and safe to do so to reduce the likelihood of necessary force. When possible, officers should seek the use additional time to their advantage to reduce the likelihood of having to use force through planning.
- O. When reasonable and when there is an ample number of officers on hand (enough officers that would not unreasonably place them in significant harm's way) in responding to a subject armed with potentially lethal force objects (blunt or edged-instruments, firearms, etc.), officers shall have less-than-lethal options on hand at the ready in addition to lethal use of force options. The use of less-than-lethal tools shall not be used when there are unreasonable risks in deploying them against a subject with both the means and a stated or implied threat to use deadly force.
- P. All tools/devices intended for police use of force should be securely carried in their approved holders when performing uniform patrol functions. Tools should only be removed from their holders when their use is anticipated, for inspection or testing, or for storage in secure areas such as prior to entering interview rooms, booking facilities or while fingerprinting as applicable.
- Q. **Less-than-Lethal Tools:** MPD shall provide less-than-lethal tools for its officers, to include Oleoresin Capsicum (OC), and batons (straight, collapsible, PR-24), and less-than-lethal projectiles such as 40mm single impact rounds and 12 Gauge Drag Stabilized Beanbag Rounds. MPD acknowledges there may be environmental, health reasons, etc. that make certain less-than-lethal tools more ideal and effective than others in certain situations. If any such tools are physically presented by an officer for potential use against a subject(s), or pointed at a subject(s), officers shall complete a Use of Force report.
- R. MPD acknowledges there may be exigent circumstances that prevent the use of less-than-lethal tools due to the level of immediacy of a threat. In these circumstances, officers may use alternative techniques or devices other than those trained in by the academy or department, as good judgment would deem appropriate, such as the use of arms, legs, flashlight, clipboard, or other methods.
- S. **Crowds and Demonstrations:** Less-than-lethal force options, or any use of force option, shall not be used during peaceful protests and demonstrations.
- T. **Wild and Domestic Animal Less-than-lethal Force Options:** Less-than-lethal force tools may be used against wild and domestic animals to drive them away or deter an attack. When an animal poses a threat of bodily injury, or must be euthanized, conventional firearms shall be used.
- U. **Lethal Force and Firearms:** Lethal Force is used to stop an action that could reasonably result in death or serious bodily injury to a person. An officer is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:
 - 1. Defend against an imminent threat of death or serious bodily injury to the officer or to another person; or

2. Apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use any Department-issued or approved firearm while under the influence of alcohol or regulated drugs not otherwise prescribed by a medical professional.

Verbal Warnings: When feasible, an officer shall, prior to the use of force, make reasonable efforts to identify themselves as law enforcement officers and to warn that deadly force may be used.

Warning Shots: Officers shall not fire warning shots.

Assessing the Use of Lethal Force: Even when lethal force is permissible, officers should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use (e.g., what is in the background or peripheral of where the subject of the force is, etc.).

Under circumstances that present an imminent risk of serious bodily injury or death, that from appearances must be immediately addressed and confronted, improvised weapons such as pens, knives carried by officers to cut ligatures and seatbelts, and other such tools or instruments can be used.

Lethal Force Restrictions: Officers shall not use deadly force against a person based on the danger that person poses only to themselves.

Chokeholds: Officers shall not use a chokehold on a person unless deadly force is authorized.

Discharging a Firearm and Moving Vehicles: Officers shall not discharge a firearm at or from a moving vehicle unless:

1. The person in the vehicle is threatening the officer or another person with lethal force other than the vehicle, or;
2. The vehicle is operated to deliberately strike a person(s) and all other means of defense, including moving out of the path of the moving vehicle, have been exhausted or are not practical. Officers should always ensure their personal safety and shall not deliberately place themselves in the path of travel of a vehicle.

In deciding whether to use lethal force against a subject inside a moving vehicle, Officers shall consider whether the use of deadly force would create unacceptable risks to the public in the immediate surroundings (e.g., the feasibility of external environmental factors such as whether there are other persons in the vehicle, persons or homes behind the vehicle or in the vehicle's path, the path and speed of the vehicle's travel, etc.).

- V. **Pointing Firearms:** Firearms should only be drawn when an officer has reason to fear for their safety or the safety of others, and at no other time in any public place,

except for humane destruction of an animal. Officers shall be required to complete a Use of Force report if they point a firearm at a suspect.

- W. Unholstering Firearms:** Officers are required to complete a Use of Force report anytime they unholster and draw their weapon (even when keeping a weapon in public, at the ready, by their side, or out of the line of sight of a potential subject(s), except in instances where:
1. The officer conducts a building search, and no weapon was pointed at a person;
 2. Execution of a warrant or any other activity (such as training) in which only law enforcement personnel are present, and no weapon was pointed at a non-law enforcement person.
- X. Firearms with Slings:** MPD acknowledges officers may be required to openly carry weapons with slings to include less-than-lethal tools, rifles, or shotguns. Officers shall only carry such weapons if a need arises where the officer reasonably believes there is an increased risk of danger to the officer and/or another individual or the public. Such situations include responding to a call for service where a subject is armed or potentially armed or conducting search warrants. Officers shall document any situation where less-than-lethal tools or firearms were pointed at a subject with a possible intent of use in a use of force report.
- Lethal Force Options Regarding Dangerous/Injured Animals:** Firearms may be utilized to euthanize a dangerous animal or one so badly injured that humanity requires its removal from further suffering when no other disposition is reasonably practical. In deciding whether to use lethal force against a dangerous animal, Officers shall consider whether the use of deadly force would create unacceptable risks to the public in the immediate surroundings (e.g., the feasibility of external environmental factors such as the proximity of any persons near the dangerous animal, persons or dwellings behind or around the dangerous animal, etc.).
- Y. Cease the Use of Lethal Force:** Officer(s) shall cease any use of deadly force as soon as a subject is under the officer's control or no longer poses an imminent threat of death or serious bodily injury to the officer or another person.
- Z. Duty of Care:** Whenever a person in a department member's care or custody sustains an injury, becomes unconscious, displays a further altered mental status, or states they are injured, Department members must provide, timely summon, or obtain appropriate medical attention. Officers will provide care commiserate with their training and experience and will quickly summon emergency medical assistance when needed. If OC was used by the officer, the officer (or an assisting officer) shall complete the Department's Warning for Use of Aerosol Agents form with the subject.
- AA. Duty to Intervene and Excessive Force:** All MPD members have an affirmative duty to intervene whenever they witness another member using a chokehold or excessive force. Members should aid in any attempts to control the subject, take efforts to maintain safety for both the other member and the subject, and report the incident immediately to a supervisor, but no later than the end of the shift that it occurred. Members shall immediately report any witnessed or third-party report/allegation of the use of a chokehold by another Department member or any law enforcement officer to

a supervisor. Department members shall also immediately report any instance or potential instance of excessive force by another member or law enforcement officer to a supervisor.

BB. Use of Force Reporting: MPD shall utilize the Benchmark Analytics as its primary Use of Force documentation platform. Officers shall descriptively document and articulate any use of force beyond compliant handcuffing within Benchmark. Officers shall take reasonable steps to gather and preserve any electronic and/or physical evidence, to include witness statements, regarding use of force incidents and shall identify and attach all relevant supporting documentation such as video and audio recordings, witness statements, etc. to their Use of Force report within seventy-two (72) hours, except in the following circumstances:

1. The officer is injured or otherwise unable to complete the report, in which case the officer shall provide the necessary information verbally to a supervisor as soon as practical;
2. When lethal force is used, or whenever the acts of an officer result in death or serious bodily injury to a person, the officer will not complete a use of force report. Instead, an administrative investigation will be completed by the Department. The administrative investigator/team shall complete the data required in the Use of Force report.
3. In cases where multiple officers use force in excess of compliant handcuffing during an incident, only one officer shall author a Use of Force report which clearly names all officers who used force. Each officer who used force will complete a supplemental report and all reports will be included as supporting documentation when the Use of Force report is submitted.
4. Use of Force reports shall contain:
 - a. Any verbal orders/directions by an officer to a subject(s) regarding arrest, investigative detention, or protective custody;
 - b. Descriptive details of the subject's actions, descriptive details of the officer's observations of the subject(s), and descriptive details of the officer's response.
5. An officer's supervisor shall review the Use of Force Report and all supporting documentation. At a minimum, a supervisory review shall consist of:
 - a. Ensures all submitted information is complete and all required data is present;
 - b. Determination as to whether the use of force was objectively reasonable and consistent with departmental policies. Supervisors shall notate their indication of approval or disapproval of whether the use of force was reasonable;
 - c. Identify any need for training, performance counseling, or other administrative action;
 - d. If necessary, consult with the officer and/or return the report for additional information.

All use of force reports shall be routed through the chain of command which includes review from a Corporal (as applicable), a Sergeant, the Deputy Chief, and the Chief of Police.

Supervisory review of the objectionable reasonableness of an officer's use of force shall be evaluated from the perspective of a reasonable officer in the same situation and based on the totality of circumstances. An officer's failure to use reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

6. The Chief of Police shall make a referral to the Vermont Criminal Justice Council anytime a finding of excessive force is made. Where applicable, the Chief of Police shall also make a report to appropriate authorities, including the Vermont State Police, the Washington County State Attorney's Office, the Attorney General's Office, the Federal Bureau of Investigations, and the U.S. Attorney's Office if the review uncovers evidence that a crime has been committed.

CC. Response to Intoxicated Persons

MPD generally will not prioritize calls for service regarding issues related to intoxication unless there is an obvious level of impairment that presents a serious and legitimate concern for the individual's health, and/or the individual's behavior presents risks to the safety of the public. Dispatchers shall gather as much specific information as possible from callers during such calls for service so to aid in determining and prioritizing response.

DD. Response to Subject's Experiencing Mental, Medical, or Behavior-Related Illness or Issues

MPD generally will not respond as the lead agency to calls for service regarding behavioral-related issues or mental impairment unless there is a related criminal nexus, or a situation exists of a legitimate issue relating to the safety of an individual(s) other than the subject/person in crisis, and/or the public. MPD can respond to non-criminal mental impairment service calls to safeguard responding personnel from other agencies if requested.

When an officer knows that a subject's conduct is the result of a mental impairment, the officer must take that information into account in determining the amount of force appropriate to use on the subject, if any.

Officers shall evaluate a person's behaviors for signs that the person may be experiencing mental impairment. Signs may include:

1. Distraction due to auditory, visual, or other stimulus and unable (inability) to listen effectively and/or comply with the officer's directions.
2. Appearance of heightened emotion or flat affect/no emotion.
3. Atypical aggression or displaying an unusually high energy level.
4. The person may appear to be reacting to external or internal stimuli that is not able to be perceived by the officer (e.g., voices, smells, seeing something the officer doesn't, etc.).
5. Disorganized or atypical behavior like walking in traffic, not having clothes on or doing things that are unexpected given the context/environment.
6. Incoherent speech, delayed speech, unprompted vocalizations or providing responses that do not match the question asked.

7. Sensitivity to auditory or sensory stimulation, covering the ears, turning away.
8. Rocking back and forth or other self-soothing mechanisms.
9. Non-compliance with the officer's instructions in a manner that indicates an inability to comprehend or follow instructions rather than outright defiance (retreat out of fear or "freezing up, etc.).

If an officer encounters or responds to a call for service regarding an individual(s) experiencing a mental impairment, the officer shall:

1. Be mindful of the sanctity of human life to include the lives of the officer, the person(s), and the general public.
2. Display patience, humanity, and compassion. MPD members are expected to strive for mutual respect and dignity preservation in each encounter it has with the general public.
3. Strive for the best possible outcome with the least amount of harm to all involved to include trying to limit the amount of trauma experienced by the person, their family and the community.
4. Officers shall not knowingly create an exigency that requires the use of force.

When possible, officers should emphasize de-escalation and time when dealing with subjects or individuals experiencing mental, medical, or behavior-related illness, issues, or crisis.

EE. Suicidal, Self-Harming Individuals, Warrants for Emergency Examination:

1. It is unlawful for officers to use deadly force against a person who only poses an imminent threat of death or serious bodily injury to themselves.
2. It is unlawful for an officer to create an exigency that requires the use of force.
3. MPD acknowledges it will receive calls for service related to individuals who are suicidal or harming themselves or a potential risk of suicide and/or self-harm. MPD intends to respond to such calls for service in partnership with and/or to assist medical and/or mental health service-based agencies and professionals. The officer(s) on scene shall rely on many factors to include their training, experience, and comfort in their abilities to work with those who are mentally impaired in exercising officer discretion as to whether their continued-on scene presence or an initial response creates added risk. If the officer(s) or a supervisor reasonably believes their response or continued presence may present additional safety concerns for an individual who is only a potential harm to their own safety, officers shall remove themselves from the situation and descriptively document their reasons as to why. When responding to mental impairment-based calls for service, officers shall adhere to the following procedures:
 - a. Prioritize time in planning to respond to the situation.
 - b. Dispatchers and officers shall continuously conduct due diligence in gathering relevant information which can be used to de-escalate the subject (e.g., medical or psychological diagnosis, medications and when the subject last took medication, current substance abuse, escalating triggers, methods which

have been known to successfully calm the subject. Department members shall consider whether it is safer for the officer, subject, and the public to communicate with the subject via phone or other electronic means.

- c. When possible and available, Crisis Negotiation and/or CIT-trained officers shall act as the primary officers in communicating with the subject.
- d. Department members shall continuously coordinate with external stakeholders, such as Washington County Mental Health Services or the subject's family and/or mental and medical health care providers in developing plans or strategies to help the subject.
- e. If officers reasonably believe that continued interaction, communication, or presence with the subject, significantly escalates the situation to a point where continued police involvement increases the chances of self-harm or suicide, and/or there are no significant concerns present as to the safety of the officer or the public, Department members will immediately refrain from continued interaction with the subject and take any necessary steps to ensure safety of the general public (e.g., containment of the area, etc.). This may mean that the officers leave the scene entirely. When feasible, officers should leave information of resources for the subject and/or the subject's family or support group to assist them.
- f. If feasible, Department members should consider follow up phone calls and/or wellness checks at times where the subject may have de-escalated and should work to provide a warm hand off to stakeholder agencies better equipped to assist the subject in crisis.
- g. Department members shall thoroughly document the incident to include descriptive detail of the member's observations and perspective of the incident, all efforts made to assist the subject and/or their family or support group, and any information relating to communication to and response by external stakeholder agencies.
- h. **Warrant and Certificate for Emergency Examination:** Officers may attempt to gain verbal compliance and cooperation from persons who may be inside a residence, room, or dwelling in executing an emergency order for health so to place a person into temporary custody and/or transport the person to a hospital for evaluation, but shall not forcibly enter the residence, room, or dwelling if the person is only a danger to themselves.

FF. Accommodations for Individuals with Known or Apparent Disabilities

When feasible, Department members should seek to reasonably accommodate individuals with known or apparent disabilities, including when using force against such individuals. Reasonable accommodations are specific to each situation and may include:

1. Recognizing that an individual may be overwhelmed and removing distraction from the scene.

2. Obtaining relevant information from family members, friends, or others at the scene who know the individual and their history.
3. Asking an adult member of the individual's family to participate in transport.
4. Speaking slowly, simply, and briefly.
5. Limiting the number of people who speak to the individual.
6. Maintaining a comfortable distance from the individual.
7. Engage in non-threatening communications.
8. Use of the passage of time to defuse a situation.
9. Avoid physical contact.
10. Call a nearby mental health counselor or peer support specialist.

GG. Department Use of Force and Mental Impairment Training

MPD shall ensure each officer annually receives the following minimum amount of training in the following topics:

1. Verbal de-escalation techniques: 4 hours
2. Empty hand Techniques, OC, Baton/Collapsible Baton/PR24: 4 hours
3. Less Lethal Impact Munitions: 2 hours refresher, 6 hours familiarization for new hires.
4. Firearms training: 4 hours state qualification and skill building range and 4 hours low light range and skill building
5. Scenario-based Use of Force Training: 4 hours using scenario-based training (e.g., Virtual Reality, role play actors, tabletop, etc.)



Warning for Use of Aerosol Agents

Name: _____ Date: _____ Incident #: _____

You have been contaminated with an aerosol agent (Oleoresin Capsicum), a natural product derived from cayenne peppers. This aerosol agent is non-toxic and the effects will wear off in a short time.

The effects of being exposed may complicate other medical conditions, including, but not limited to:

1. Overdoses;
2. High levels of drugs like cocaine, amphetamines, barbiturates, PCP, opiates, heroin, prescription drugs or alcohol;
3. Medical conditions relating to heart problems;
4. Pregnancy.

I am going to ask you five questions for your own safety. Not answering my questions, withholding information, or giving false or misleading answers could delay medical treatment and may seriously jeopardize your health and safety.

Do you understand everything I have told you?

YES NO Refused to answer

1. Are you currently under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, prescription drugs or alcohol?

YES NO Refused to answer

2. Are you, or could you be pregnant?

YES NO Refused to answer

3. Do you have heart problems, lung problems, diabetes, high blood pressure, allergies, or any other serious medical condition?

YES NO Refused to answer

4. Do you have a pacemaker?

YES NO Refused to answer

5. Do you wish to be medically evaluated?

YES NO Refused to answer