



**METROPOLITAN POLICE DEPARTMENT  
NASHVILLE, TENNESSEE**

# Roll Call Training/Shift Briefing

M.P.D FORM 101

<b>SUBJECT:</b> <b>DE-ESCALATION &amp; DISPLAY OF FIREARM REPORTING</b>	<b>REVISED:</b>  December 1, 2018	<b>RESCINDS:</b>
<b>REFERENCE or AUTHORITY:</b> PENDING 8.10.070	<b>EFFECTIVE DATE:</b> <b>January 1, 2019</b>	<b>DISTRIBUTION:</b> <b>All Personnel</b>

## **I. POLICY STATEMENT**

The most serious act in which a police officer can engage is the use of deadly force. The authority to carry and use firearms in the course of public service also carries with it the highest level of responsibility. Respect for human life requires that police officers exhaust all other reasonable means before resorting to the use of firearms and then only when an officer reasonably believes that such use of firearms is necessary to protect the officer or another from the risk of serious physical harm or loss of life. In considering the use of firearms, understand that you are responsible for your acts and that you may be required to justify your acts in a court of law.

The safety of innocent persons is of paramount importance. Where there is substantial risk to the safety or life of an innocent citizen, the safety of the citizen should take precedence over the apprehension of the suspect. Officers should attempt to use non-confrontational verbal skills, empathy and/or active listening to stabilize a person in crisis or when confronted with a situation where control is required to effect an arrest or protect the public's safety. The suspect should be allowed to comply before force is used unless this causes unnecessary danger to the officer or others. De-escalation may also incorporate the use of additional time, distance and resources as well as persuasion, command presence, repositioning, and warnings, to reduce the intensity of a potentially violent situation to decrease the potential need to use force. Application of these skills increases the potential for resolving the situation with minimal force or no force at all, which reduces the likelihood of injury to the public, increases officer safety and mitigates the immediacy of potential or ongoing threats. A reduction in use-of-force incidents also reduces community complaints, promotes the perception of procedural justice and, most importantly, promotes resolution of events with the public's compliance. Proportionality and de-escalation are both critical pieces of the larger concepts of use of force and police legitimacy. Essential to this is the force continuum and proportionality of response.

In making this assessment, officers should consider:

- *Am I using only the level of force necessary to mitigate the threat and safely achieve a lawful objective?*
- *Is there another, less injurious option available that will allow me to achieve the same objective as effectively and safely?*
- *Will my actions be viewed as appropriate and objectively reasonable—by my agency and by the general public—given the severity of the threat and totality of the circumstances?*

An essential element to de-escalation and proportionality-via the force continuum, is often the warning or "threat" of force use-prior to force use, when safe and practical under the circumstances. The threat of deadly force is second only to the use of deadly force. The pointing of a firearm at a suspect and demanding compliance is provided for within existing policy as an appropriate response when facts, circumstances and law may make it necessary and appropriate.

## **II. PURPOSE**

The purpose of this roll call training document is, pending formal update to the Department Manual, to make all personnel aware of a addition to MNPD Departmental Manual and creation of MNPD Form 108F, Firearm Display Report.

In accordance with the current requirements, supervisors shall ensure all employees under their command are aware of this document, by having them sign a daily worksheet (MNPD Form 255, Daily Worksheet), or other component receipt form acknowledging they have received notice of the information and accept responsibility to follow the directive(s) contained herein.

## **III. KEY POINTS TO COVER DURING ROLL CALL TRAINING**

Existing policy on firearm handling (Manual 8.10.040) requires:

- Employees shall only draw a firearm in a safe manner and in the proper performance of their duty, consistent with established policy and training.*
- Employees using a firearm, for an authorized purpose, should observe all safety precautions necessary to avoid unintentional injury or damage.*
- Employees shall adhere to department approved procedures, training, and tactics.*

And existing use of force policy (Manual 11.10.150) provides-emphasis added:

- Authorized employees shall adhere to the following restrictions:*
  - Except for maintenance, official inspections, or during training, employees shall not draw or exhibit their firearm unless circumstances create reason to believe that it may become necessary to use it as provided in this policy;*
  - Warning shots are prohibited;*
  - When effecting an arrest, no form of deadly force shall be used which would pose a substantial risk to innocent bystanders; and*

4. *When the use of deadly force is necessary to defend the employee or another from death or serious bodily harm, every effort will be made to minimize the risk of harm to innocent persons.*
- C. *Employees shall adhere to department approved procedures, training, and tactics related to use of force.*

Recent changes to CALEA requirements and acknowledgement of best practices in policing require that displays of firearms in these situations be captured for review and reporting. **The new requirement for reporting this threat of force allows the MNPD to document successful de-escalation of otherwise potentially deadly force encounters and should not give officers pause or delay an otherwise appropriate response; nor** should they unreasonably or unsafely delay a response to consider how their actions will be viewed by others.

Using the MNPD Incident Decision-Making Model, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond.

Key considerations when assessing a threat are:

- Means – what objects does the individual have in his/her possession that can hurt someone else?
- Ability – what is the ability level of the individual to use the means in his/her possession? What are the physical capabilities of the individual?
- Opportunity – does the individual have access to others in order to injure them?
- Intent – how has the individual communicated his/her intent, to include verbal and non-verbal indicators?

For mitigating a potential threat, the MNPD wishes for officers to slow down the decision making process. By slowing down the decision making process, this creates more time for the officers to develop strategies that can deescalate the incident.

**As MNPD policy envisions and states, "*Employees shall adhere to department approved procedures, training, and tactics related to use of force*". This reliance on departmentally approved training-as with any other incident protects the employee and the public.**

Consistent with the foregoing, **effective January 1, 2019**, the below provision should be considered part of the MNPD Manual until formally revised:

#### 8.10.070 Reporting Firearm Display

Personnel shall report the display of a firearm when such display has had the effect of reducing or eliminating the need for additional use of force.

Reporting of such displays shall be by the completion of a Firearm Display Report-MNPD Form 108F (if no other force is used, a Use of Force Report-MNPD Form 108 is not required). For purposes of this section, display is defined as: drawing and aiming, or similar un-holstered display indicating potential use, without discharge, of a firearm in circumstances where any person perceives the action as a threat of a use of force, whether or not this is accompanied by a verbal warning, aiming at or illuminating a subject with a weapon mounted light. Reports generated under this section will be submitted through the established chain of command and a copy submitted to the Director of the Training Division.

*If you have any questions or need additional assistance, please contact:*

*Strategic Development Division  
615-862-7790*