



**METROPOLITAN POLICE DEPARTMENT  
NASHVILLE, TENNESSEE**

# Roll Call Training / Shift Briefing

M.P.D FORM 101

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| <b>SUBJECT:</b><br><br><b>Revised MNPD Manual 11.10<br/>Use of Force and MNPD Form<br/>108, Use of Force Report</b>    | <b>REVISED:</b><br><br><b>January 2, 2020</b>        | <b>RESCINDS:</b><br><br><b>MNPD Manual 11.10 Use of Force<br/>8/20/2018</b> |
| <b>REFERENCE or AUTHORITY:</b><br><b>MNPD Manual 11.10 Use of<br/>Force and MNPD Form 108,<br/>Use of Force Report</b> | <b>EFFECTIVE DATE:</b><br><br><b>January 2, 2020</b> | <b>DISTRIBUTION:</b><br><br><b>All Personnel</b>                            |

## **I. PURPOSE**

The purpose of this rollcall training document is to advise MNPD personnel on revisions to MNPD Department Manual 11.10 Use of Force and procedures for reporting uses of force by MNPD personnel. Additionally, it will identify selected, commonly occurring incidents that result in complaints or injuries to suspects, but do not represent any use of force by MNPD personnel as defined by this policy. This document shall serve as official policy until such time as the MNPD Manual has been updated.

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.

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

The MNPD must comply with specific federal guidelines with respect to reporting uses of force by MNPD personnel. The key element for collecting the data for reporting concerns for the MNPD is the MNPD form 108, Use of Force Report.

The current procedure is to document any injury or complaint of injury during the course of arrest or encounter by MNPD personnel on the MNPD Form 108, Use of Force Report. Many of the injuries/complaints presently noted are not the result of a use of force as defined by MNPD policy or federal reporting guidelines. As a result, these incidents must be manually reviewed and redacted from the federal reporting process. Inclusion of selected incidents/complaints artificially inflates the number of use of force incidents reported federally, and provides an inaccurate assessment of uses of force when reviewing individual officer activity.

The revised procedures herein, are designed to more accurately report use of force incidents and to expedite the review of use of force incidents as defined by policy and federal guidelines.

**A. Section 11.10.020 Definitions of Selected Uses of Force has been revised to include the following new definitions:**

1. **(I) Display of Firearm:** 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.
2. **(S) Previously Existing Injury:** For the purposes of this policy, any injury, medical condition, or illness that existed prior to any officer's physical contact/custody with a subject. The previously existing element may be a long established injury from months or years ago, to an injury incurred while eluding custody only moments or seconds prior to physical control by arresting officer(s).
3. **(V) Self-Inflicted Injury:** For the purpose of this policy, an injury caused to one's self through one's own actions AFTER an officer's physical contact/custody with a subject. Self-inflicted injuries are not caused by external factors but, rather, directly result from one's own behaviors, actions, and decisions. Self-inflicted injuries occurring PRIOR to an officer's physical contact/custody of subject should be reported as a Previously Existing Injury.

**B. Section 11.10.170, Reporting Use of Force has been revised to include the following:**

1. (B) A MNPDP Form 108, Use of Force Report is completed for any use of force documented in Box 2a of the form. The MNPDP Form 108, Use of Force shall be completed, approved by supervisory personnel and processed as per current procedure.

***Note:** This revision is designed to easily identify those incidents that do not meet the definition of uses of force for federal reporting guidelines and allow for exclusion resulting in more accurate data. Additionally, this allows uses of force as defined as such for federal reporting to be reviewed and investigated in a more expedient manner.*

2. (C) 2. 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-MNPDP Form 108F (if no other force is used, a Use of Force Report-MNPDP Form 108 is not required). **Firearm Displays are not reported by the MNPDP as a Use of Force and are captured for Law Enforcement Certification purposes only.**
3. (C) 6. Whenever a subject taken into custody reports an aggravation (or re-injury) of a previously existing injury, or suffers a self-inflicted injury, as defined in 11.10.020 (S), (V) above, directly after or during the process of being taken into custody. These injuries should be noted specifically on the MNPDP Form 108, Use of Force, Box 2a.

***Example 1 Previous Existing Injury:** A suspect surrenders and is apprehended after a short foot pursuit. No force was used in taking the suspect into custody or*

placing him/her into restraints. The suspect reports knee pain from an injury that occurred prior to this encounter.

**Example 2 Previous Existing Injury:** Officers are attempting to serve a warrant on a known suspect. The suspect flees on foot as the officers pull into the driveway. During his/her attempt to evade arrest, the suspect stumbles and falls injuring his/her ankle. The injury occurred prior to any physical contact with the suspect and was not a result of any force utilized by the officer(s).

**Example 3 Self-Inflicted Injury:** A suspect is taken into custody for DUI and placed in the rear of a patrol car for transport. The suspect becomes unruly and begins to hit his/her head against the protective screen or “cage” of the patrol unit. This type of injury is a direct result of the suspect’s own action, behavior and decision and occurred after the officer’s contact with the suspect.

4. (C) 7. Pain or injury associated with handcuffing or other restraint devices, where the injury or complaint is **exclusively** the result of normal pain/discomfort associated with the wearing of restraining devices, are not injuries sustained from a use of force as defined in this policy. These injuries should be noted specifically on the MNPDP Form 108, Use of Force, Box 2a.

However, whenever force is used to physically control or maneuver a subject that is actively resisting the application of a restraint device, and such action results in injury to the subject, a MNPDP Form 108, Use of Force Report shall be completed. This type of incident **does not** meet the criteria for checking Box 2a.

**Example 1:** A subject is arrested and complied with instructions to turn around and extend his/her hands for cuffing. The cuffs were “double locked” to prevent further tightening during transport. The subject complains of discomfort in his/her wrists and redness is visible where contact was made with the cuffs. This type of complaint/discomfort is normal and **exclusively** the result of proper application of the restraint device (handcuffs). This should be noted specifically on the MNPDP Form 108, Use of Force, Box 2a.

**Example 2:** A subject is placed under arrest and locks his/her arms or wrists when the application of handcuffs are attempted. The arresting officer(s) must use additional force and/or manipulate the wrist(s) due to the non-compliance or active resistance of the subject. The subject complains of pain or discomfort when the handcuffs are removed. This type of incident **does not** meet the criteria for checking Box 2a.

**Example 3:** A subject is taken into custody and complies with instructions to be handcuffed. The handcuffs are applied, but the officer applying the handcuffs fails to “double lock” the cuffs to prevent additional tightening. The handcuffs tighten further on the subject’s wrists during transport causing pain or additional injury. This type of incident **does not** meet the criteria for checking Box 2a.

Please note that the examples above are not all inclusive and many other incidents may fit the criteria for reporting under Box 2a of the MNPDP Form 108, Use of Force Report.

In all incidents where Box 2a is checked on the MNPDP Form 108, Use of Force Report, the reporting officer shall articulate the reason for classification in the narrative section of the report.

The supervisory review for MNPDP Form 108, Use of Force Report, wherein the only injury or complaint of injury reported are indicated in Box 2a of the form, should acknowledge the incident reported does fit the criteria for Box 2a, and the reporting officer has sufficiently articulated the facts and circumstances.

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

*Strategic Development Division (615-862-7790)*