



METROPOLITAN POLICE DEPARTMENT

MEDIA RELEASE

P.D. FORM 004
(LEA 54.1.2)

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June 15, 2020

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FOR IMMEDIATE RELEASE

The MNPD has completed a comparison of #8cantwait principles with Nashville police policies (see below).

“Our police department embraces these principles, and we will continue to review, improve and strengthen MNPD policies that guide our officers,” Chief Steve Anderson said.

1) **Require De-escalation**

A basic, underlying, principle in the MNPD Policy Manual is (emphasis added):

When the use of force is needed, if feasible, authorized employees will identify themselves and determine which options in the force continuum will best de-escalate the situation in the most safe, reasonable, and prudent manner possible.

As recent as January 2019, training for all officers, included:

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 need for 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.

De-escalation is and remains a fundamental element of MNPD training and policy.

2) **Ban chokeholds and strangleholds as a means to subduing alleged perpetrators.**

Chokeholds are essentially prohibited under Tennessee law, unless certain elements are included in the training. The MNPD does not train nor does it allow the use of choke holds or neck restraints.

Existing provisions of the MNPD Manual provide that neck restraint techniques are not an authorized restraining force technique:

MNPD Manual, 11.10.020(S) provides (emphasis added):

Restraining Force: Force which is limited to holding and restraining persons, which shall include arm-lock and takedown holds, *but shall not include neck restraints.*

To further the goals of police legitimacy, the MNPD seeks to simplify certain policies to ensure clarity and ensure that any ambiguity is eliminated in those policies, on June 11, 2020, the MNPD issued the following policy:

Definitions

Chokehold or Similar Neck Restraint: any pressure or constriction to the neck, throat or windpipe that may inhibit breathing.

Chokehold or Similar Neck Restraint Technique

A member of the MNPD shall not use a choke hold or other similar neck restraint technique on any suspect, arrestee, defendant, or other person.

3) **Promote a "Duty to Intervene" for any officer witnessing what they believe to be an unjustified use of force.**

Multiple provisions of existing department policy mandate that employees report and intercede in situations where they become aware of other employees engaged in unlawful acts, or those that otherwise violate department policy, they include:

The Discipline and Corrective Action policy explains that “[a]ny department employee who observes or becomes aware of any act of misconduct by another member of the government shall immediately report the incident to their immediate supervisor or the most appropriate Metropolitan Nashville Police Department (MNPD) supervisor. Failure to report such activity is considered misconduct and subject to administrative investigation and sanctions.” These sanctions include charging up to and including the category of the underlying offense not reported. This provision requires immediate action on the part of an employee when they observe misconduct to ensure it doesn’t continue.

The requirement that fellow employees report misconduct by other employees is so important that this provision appears again in the Department and Personal Appearance policy. The “Failure to Report Misconduct” provision reiterates the language cited above from the Discipline and Corrective Action policy and states, again, that failing to report the misconduct of another employee is actionable up to the category of the misconduct not reported.

Officers are also required by the Department and Personal Appearance policy to “be familiar with and enforce all laws, ordinances, and statutes in force within the jurisdiction of the department.” Further, “[t]hey shall also endeavor to prevent their violation”. Therefore, any officer who observes any criminal misconduct by a citizen or employee must act to prevent the violation. Clearly, this includes cases where the criminal misconduct is directed at a civilian.

Regarding the misuse of force by employees, department policy (D.M. 11.10) plainly states that “intentional misuse of the authority granted under this policy is grounds for disciplinary action up to and including those outlined in category A of established policy for Discipline and Corrective Action”.

Category A offenses are punishable up to dismissal.

MNPD policy therefore mandates that employees act proactively to intercede and prevent violations of the law and policy. The failure to do so can result in the termination of the officer’s employment.

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Policy

Definitions

Intervene: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

Duty to Intervene

1. All members must recognize and act upon the Duty to Intervene in order to prevent or stop any member from conducting any act that violates law or policy (including, but not limited to excessive or unlawful force, unlawful behavior, abuses of authority or major violations of department policy or procedure).
2. Such interventions shall be reported to an appropriate supervisor without delay. *Successful intervention does not negate a duty to report.*

3. Consistent with established policy and training, if medical attention is required by any individual, ensure that medical attention has been provided and/or summoned.
4. Failure to intervene or report may subject a member to disciplinary action. (*Category varies by severity of violation*)

Types of Intervention

Employees should examine the circumstances surrounding the incident to determine the appropriate form of Intervention. Intervention may be verbal or physical, depending on the circumstances.

Preventative: Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct or engage in inappropriate behavior.

Active: Take an active approach to intervene; in order to stop any behavior or misconduct that violates policy or law, when such conduct is being committed by another member.

Supervisor Role

Consistent with applicable policy, when an intervention occurs, the supervisor shall initiate an appropriate inquiry or investigation, consistent with applicable policy.

4) Ban shooting at moving vehicles.

The MNPDP Policy Manual provides:

*Employees **shall not** discharge their firearm at or from a moving vehicle unless absolutely necessary to protect the life of the employee or others.*

5) Require comprehensive reporting of ALL uses of force.

The MNPDP Policy Manual mandates and creates a comprehensive process for reporting force, or threatened force, force investigation, and numerous levels of review:

Personnel shall report all use of force incidents.

6) Exhaust all other means before shooting.

As noted above, MNPDP policy emphasizes the use of de-escalation techniques and trains officers to utilize measures available in order to peacefully resolve situations, when possible. The discharging of a firearm is considered deadly force, and in order to utilize deadly force, officers must have a reasonable belief the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee. The element of necessity requires the officer to have no other reasonable means available before resorting to the use of deadly force.

7) Require warning before shooting

Consistent with state and federal law, MNPDP policy requires:

*Where feasible, the employee has identified himself/herself as a police employee and given warning such as, “**STOP--POLICE--I’LL SHOOT,**” that deadly force is about to be used unless flight ceases;*

8) Require use of force continuum

The MNPDP Policy Manual mandates and creates a comprehensive force continuum process by first requiring its use (emphasis added):

*When the use of force is needed, if feasible, authorized employees will identify themselves **and determine which options in the force continuum will best de-escalate the situation** in the most safe, reasonable, and prudent manner possible.*

The force-continuum is defined as:

Broad categories of force, in identifiable escalating/de-escalating stages of intensity, in response to a subject's action. They are commonly identified as official presence, verbal direction, soft empty-hand control, hand-held chemical spray/conducted energy device, hard empty-hand control, batons, and firearms. A subject's action may be defined in broad categories including full compliance to commands, verbal uncooperativeness, passive resistance, active resistance, active aggression, and aggravated active aggression (deadly force).

The MNPD Manual also provides for a process to ensure that the MNPD “*shall conduct such review as may be necessary to ensure that provisions remain relevant and any necessary revisions are made*”. **The MNPD remains committed to an ongoing use of force policy, training, and reporting review processes.**

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