



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-307 Control Option- Impact Projectiles and 40mm Launchers

(xx/xx/24)

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I. Purpose

This policy is intended to recognize and respect the sanctity of life and value of all human life, and to expand on the requirements of other force policies, specifically related to impact projectiles and 40mm launchers.

This policy addresses impact projectile use. Chemical munitions are covered by P&P 5-313.

II. Definitions

40mm round: The 40mm round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of a subject.

Bean bag round: A direct fire round fired from a shotgun and used when maximum deliverable energy is desired for the incapacitation of a subject.

Delivery of an Impact Projectile: When a discharged impact projectile comes into contact with a subject.

Discharging an Impact Projectile: Discharging an impact projectile means ejecting it out of the end or nozzle of the weapon.

Impact projectile: Impact projectiles include the 40mm round and the bean bag round.

Terms defined in P&P 5-301:

- Substantial Bodily Harm

Terms defined in P&P 5-304:

- Carry
- Display
- Engaged with a Subject
- Point
- Use

III. Policy

A. Impact Projectiles as an Intermediate Weapon

Impact projectiles are generally considered an intermediate weapon when delivered to areas of the subject's body that are considered unlikely to cause death or serious physical injury, but impact projectiles can be lethal in certain circumstances.

B. Civil Disturbances and Assemblies

1. All carrying and use of 40mm launchers for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.
2. Shotguns and bean bag rounds shall not be carried or used for crowd control purposes.

C. Conditions for Use on a Subject

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a subject when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they shall use the lowest degree of force necessary (P&P 5-301).

When using impact projectiles or 40mm launchers, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Subject factors

Officers shall only discharge impact projectiles at a subject when:

- a. There is probable cause for an arrest or reasonable suspicion for detention, or the person has made a credible threat to harm themselves and has the means to do so.
and
- b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent **substantial** bodily harm or greater.

3. Target areas

- a. The primary target areas for impact projectiles should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the abdominal area to the waist.

- b. Officers shall be aware that the delivery of impact projectiles to certain parts of the human body can cause grievous injury that can lead to a permanent physical or mental incapacity or possible death.
 - c. Officers shall not intentionally discharge impact projectiles at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.
4. Consider risks and other means of control

Prior to discharging impact projectiles at a subject, officers shall consider:

- a. Any risks to the public or to the officers.
- b. Whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public.

D. Conditions for Use on a Surface

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a surface when objectively reasonable, necessary and proportional, in order to provide for the safety of an officer or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape (as described in P&P 5-301). Officers are reminded that they shall use the lowest degree of force necessary (P&P 5-301).

When using impact projectiles or 40mm launchers, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorization

Officers shall only discharge impact projectiles at a surface such as a window, structure or stationary vehicle in one of the following situations:

- a. For life-saving purposes.
- b. When an occupant of a vehicle is armed with a firearm or reasonably believed to be armed with a firearm and refuses to exit the vehicle following a lawful command to do so, and such use of the impact projectiles is approved by a SWAT supervisor.
- c. When serving a high-risk search warrant as a means to breach the structure and communicate with the occupants or introduce technology such as unmanned aerial systems (P&P 4-226) or reconnaissance robots into the structure, and such use of the impact projectiles is approved by a Deputy Chief or higher. Deployment in this situation is intended to de-escalate the situation by establishing new lines of communication or observation.
- d. When approved by the Chief or the Chief's designee.

3. Method of use

The impact projectile may be either:

- a. Directed away from the person's location as a distraction.

or

- b. Used to breach a window.

4. Consider risks

Prior to using impact projectiles on a surface, officers need to consider the risks to any person who may be struck by the projectile or by debris caused by the projectile's impact on the surface.

E. Announcements

It is important that whenever possible, all officers involved and possible responding officers know that a 40mm round is being discharged so they do not mistake the sight and noise from the 40mm round discharge as a live ammunition discharge.

1. Officers shall announce over the radio that a 40mm launcher will be discharged, when time and tactics permit.
2. When appropriate given the situation, officers discharging a 40mm round should yell "Code Orange!" prior to and during the discharge.

Note: 40mm launchers have an orange barrel indicating they are the less-lethal platform.

F. Requesting a 40mm Operator

If a supervisor or responding officers believe that there is a call or incident that may require the use of 40mm capability, they may request via radio or other means that an on-duty MPD-trained operator with a 40mm launcher respond to the scene.

G. Carrying and Storage of 40mm Launchers

1. 40mm launchers shall be assigned to each precinct, City Hall and specialty units as needed.
2. Each 40mm launcher shall be kept its own case and in a secured gun locker.
3. Only commanders or their designee and MPD-trained operators will have keys to the 40mm armory lockers.
4. MPD-trained operators shall have the 40mm launchers available during their assigned shift, when possible.

H. Maintenance of 40mm launchers

Only MPD certified Range personnel shall perform maintenance and repairs to the 40mm launcher.

I. Treatment and Medical Aid

1. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when a subject is struck by an impact projectile, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the person's medical condition until they are released to medical or other law enforcement personnel.
2. If possible, photographs should be taken of any injuries to the subject.

J. Documentation

Officers who discharge impact projectiles shall report the force in accordance with P&P 5-302.

K. Notifications and Supervision

1. Officers who discharge an impact projectile shall immediately notify dispatch, who will notify a supervisor.
2. A supervisor shall respond to the scene any time an impact projectile is discharged. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-303.
3. Supervisors shall ensure that all spent 40mm rounds are collected and property inventoried if possible (P&P 10-400).

L. Training Required

1. Only officers trained in the use of the 40mm launcher and 40mm round are authorized to carry and use them.
2. Only officers trained in the use of bean bag rounds and shotguns are authorized to carry and use them.

M. Specifications for 40mm Launchers and Impact Projectiles

1. MPD officers are only authorized to carry 40mm launchers that are issued by the department. Personally owned 40mm launchers, or those issued by another agency, are not authorized to be carried or utilized while an MPD officer is acting in their official MPD capacity.

2. Officers shall only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.
3. The MPD Range shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. The MPD Range shall replace any rounds discharged or damaged as needed.
4. Officers shall only carry MPD-approved bean bag rounds and shall only use them with the approved shotgun.

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