



# 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- Less-Lethal 40mm Launcher and Impact Projectiles

(xx/xx/23)

Revisions to prior policies: (07/16/19) (08/21/20) (09/08/20) (04/04/21) (01/01/23)

##### I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to less-lethal 40mm launchers and impact projectiles.

##### II. Definitions

**40mm round:** The 40mm less-lethal round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject.

##### Terms defined in P&P 5-301:

- Substantial bodily harm

##### Terms defined in P&P 5-304:

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

##### III. Policy

##### A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

**B. 40mm Launchers and Impact Projectiles as Less-Lethal Force**

The discharge of the 40mm less-lethal round is generally considered a less-lethal form of force when delivered to areas of the subject's body that are considered unlikely to cause death or serious physical injury, but can be lethal in certain circumstances.

**C. Department-Issued 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.

**D. Consistent With Policy and Training**

1. Officers shall only use less-lethal 40mm launchers and impact projectiles in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300) including when used for crowd dispersal or protection.
2. Only officers trained in the use of the 40mm launcher and 40mm less-lethal round are authorized to carry and use them.

**E. Civil Disturbances and Assemblies**

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.

**F. Conditions for Use**

1. Imminent substantial harm

Officers shall only use 40mm launchers or impact projectiles on a subject when:

- a. There is probable cause for an arrest or reasonable suspicion for detention.

and

- b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent **substantial** bodily harm.

## 2. Target areas

- a. The primary target areas for the 40mm less-lethal round should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the ribcage area to the waist, and the larger muscle areas of the shoulder areas.
- b. Officers shall be aware that the delivery of the 40mm 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 less-lethal impact munitions at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.

## 3. Consider risks

Prior to using the 40mm launcher or impact projectiles, officers need to consider any risks to the public or themselves.

## 4. Consider other means

Before discharging the 40mm less-lethal round, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public, in accordance with knowledge and training in use of force and MPD policies governing the use of deadly and non-deadly force.

## 5. Firearm backup in deadly force situations

The 40mm launcher with the 40mm less-lethal round should not be used in deadly force situations without firearm backup.

## **G. Warnings and Announcements**

It is important that whenever possible, all officers involved and possible responding officers know that a 40mm less-lethal projectile is being discharged so they do not mistake the sight and noise from the 40mm projectile 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 less-lethal projectile should yell "Code Orange!" prior to and during the discharge.

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

## **H. Requesting a 40mm Operator**

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

## **I. Carrying and Storage**

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.

## **J. Maintenance of 40mm launchers**

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

## **K. Treatment and Medical Aid**

1. Medical assistance shall be rendered as necessary in accordance with P&P 5-301 and the Emergency Medical Response policy (P&P 7-350).
2. If possible, photographs should be taken of any injuries to the subject.

## **L. Documentation**

Officers who discharge a 40mm less-lethal round shall report the force in accordance with P&P 5-302.

## **M. Notifications and Supervision**

1. Officers who discharge a less-lethal round shall immediately notify dispatch, who will notify a supervisor.
2. A supervisor shall respond to the scene any time a 40mm less-lethal round 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 less-lethal rounds are collected and property inventoried if possible.