



# Minneapolis Police Department Policy and Procedure Manual

Number:  
5-300

## Volume Five – Code of Conduct and Use of Force

### Use of Force

#### 5-308 Control Option- Chemical Aerosols

(xx/xx/24)

Revisions to prior policies: (10/16/02) (08/17/07) (10/01/10) (09/04/12) (06/10/13)  
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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 chemical aerosols.

##### II. Definitions

**Delivery of a Chemical Aerosol:** When a discharged chemical aerosol comes into contact with a subject (when a subject is sprayed).

**Discharge of a Chemical Aerosol:** Using the actuator to release the contents from the canister, regardless of whether it impacts the intended subject.

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

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

##### III. Policy

###### A. Chemical Aerosols as Intermediate Weapons

The MPD approved chemical aerosol is an intermediate weapon.

###### B. Civil Disturbances and Assemblies

Chemical aerosols, regardless of canister size, shall only be discharged during civil disturbances and assemblies when authorized in accordance with P&P 7-805.

**C. Conditions for Use****1. Objectively reasonable, necessary and proportional**

Chemical aerosols may only be used 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 chemical aerosols, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

**2. People in restraints**

- a. Officers shall not use chemical aerosols on any person who is handcuffed or otherwise restrained, unless the person presents an imminent physical threat to the safety of the officer, the person themselves, or others.
- b. Prior to using chemical aerosols on the person, officers must first attempt to exercise additional control over the person using empty hand control measures other than strikes, when feasible.
- c. Officers shall only use chemical aerosols against the restrained person once all feasible empty hand control measures other than strikes have been attempted by the officer, and if the imminent threat of physical harm persists.

**3. Compliant and passively resisting people**

Chemical aerosols shall not be discharged at people who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

**4. People swallowing narcotics**

Discharging chemical aerosols to prevent the swallowing or ingesting of narcotics is prohibited.

**D. Tactics and Requirements When Using Chemical Aerosols****1. Warning required**

Prior to discharging a chemical aerosol, officers shall provide oral warnings indicating that they intend use chemical aerosols unless the person submits to their authority, when it is safe and feasible to do so (in accordance with P&P 5-301).

- a. Officers shall allow a reasonable amount of time for a person to comply with a warning, when feasible to do so.

- b. The warning shall only occur in situations that an officer reasonably believes may result in the authorized use of force.

2. Re-assess after delivery

Officers shall stop the discharge once the chemical aerosol is delivered, re-assess the situation and threat level, and determine whether any subsequent discharges are necessary and reasonable.

3. Only deliver to intended people

Officers only discharge the chemical aerosol at intended subjects and shall exercise due care to minimize exposure of non-targeted people.

#### **E. Treatment and Aid for Chemical Aerosol Exposure**

1. In addition to standard medical treatment after use of force (in accordance with P&P 5-301), post exposure treatment for a person that has been exposed to the chemical aerosol shall include as many of the following as possible:
  - Removing the affected person from the area of exposure.
  - Exposing the affected person to fresh air.
  - Rinsing the eyes and skin of the affected person with cool water (if available).
2. Officers shall keep a person exposed to the chemical aerosol under close observation until they are released to medical or other law enforcement personnel.
3. When transferring custody of a person that has been exposed to chemical aerosols, the officers shall notify the entity accepting custody.

#### **F. Specifications for Chemical Aerosols**

1. Every officer shall carry a 4 oz. canister of chemical aerosol on their person at all times while working in uniform.
2. Canisters larger than 4 oz. may be carried by officers when authorized by a supervisor.
3. MPD officers are only authorized to carry chemical aerosols that are issued by the department. Personally owned chemical aerosols, 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.
4. Authorized chemical aerosols are:
  - a. Aerko Freeze +P, 1% CS/1% OC
    - 4 oz 2k3

- 17.5 oz M9 Streamer
- b. Defense Technology Oleoresin Capsicum (OC) Solution .2%
  - 12oz MK9 Streamer

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