



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/23)

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I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to chemical aerosols.

II. Definitions

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. Chemical Aerosols as Less-Lethal Force

Chemical aerosols are a form of less-lethal force which can pose a high risk to some people.

C. Department-Issued Chemical Aerosols

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.

D. Consistent with Policy and Training

Officers shall only use chemical aerosols 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.

E. 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.

F. Conditions for Use

1. Un-restrained people

In situations not involving civil disturbances or assemblies, chemical aerosols shall only be discharged at:

- a. When such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.
- or
- b. Subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).

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 soft empty hand control measures or arrest control techniques when feasible.
- c. Officers shall only use chemical aerosols against the person once all feasible soft empty hand control measures or arrest control techniques have been used by the officer, and if the imminent physical threat persists.

3. Passive resistance

Chemical aerosols shall not be discharged at people who are Compliant or are Passively Resisting as defined by policy.

4. Swallowing narcotics

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

G. Using Chemical Aerosols

1. Warning required

Officers shall only use chemical aerosols after adequate warning, when feasible.

2. Re-assess after contact is made

Officers shall stop the use of the spray once intended contact with the chemical aerosol is made with the person or people, to re-assess the situation and threat level and determine whether and if any subsequent uses of the spray are appropriate.

3. Only expose intended people

Sworn MPD employees shall exercise due care to ensure that only intended people are exposed to the chemical aerosols.

H. 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 one or more of the following:

- 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. Sworn employees shall keep a person exposed to the chemical aerosol under close observation until they are released to medical or other law enforcement personnel.

3. An officer who has discharged a chemical aerosol at a person shall inform the entity accepting custody that it was discharged at the person.