



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-308 Force Option- Hand-Held Chemical Aerosols

(01/01/26)

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I. Purpose

The purpose of this policy is to ensure that members who carry weapons and force devices, and who use weapons and force devices, including chemical aerosols, adhere to the force guiding principles described in P&P 5-301. The force guiding principles include, but are not limited to, the Sanctity of Life (as incorporated below), the Duty to De-escalate, and Objectively Reasonable, Necessary, and Proportional Force.

MPD and its members shall uphold the sanctity of life (P&P 0-102 and P&P 5-301) by striving to protect and preserve human life in all situations and keep the community and MPD members safe from harm.

This policy addresses hand-held, pressurized, containerized, chemical aerosols. Chemical munitions are covered by P&P 5-313.

II. Policy

A. Chemical Aerosols as Intermediate Weapons

The MPD approved chemical aerosol is an intermediate weapon.

Chemical aerosols are generally intended to cause the eyes and respiratory tract to become inflamed and irritated. Physical effects can include involuntary closing of the eyes, the sensation of difficulty breathing, coughing, discharge of mucous, lack of coordination and nausea. When properly used, chemical aerosols are usually effective in incapacitating most people temporarily, without permanent injury, though the effectiveness varies from person to person.

B. Civil Disturbances and Assemblies

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

C. Conditions for Use

Chemical aerosols may only be used on a person in accordance with the factors and requirements described below. In addition to the conditions in this policy, the use of chemical aerosols must be objectively reasonable, necessary, and proportional, and members shall use the lowest degree of force necessary (P&P 5-301). When using chemical aerosols members must apply the critical decision-making model (CDM) (P&P 7-801) to continually assess the situation and modulate their use accordingly as the subject behavior changes.

1. Permitted use

Chemical aerosols may be used when objectively reasonable, necessary, and proportional, on a person who is actively resisting or to prevent imminent physical harm.

2. People in restraints

- a. Members shall not use chemical aerosols on any person who is handcuffed or otherwise physically restrained, unless the person presents an imminent threat of physical harm to the safety of the member, the person themselves, or others.
- b. Prior to using chemical aerosols on the physically restrained person, members must first attempt to exercise additional control over the person using empty hand techniques other than strikes (P&P 5-306), when feasible.
- c. Members shall only use chemical aerosols against the physically restrained person once all feasible empty hand techniques other than strikes (P&P 5-306) have been attempted by the member, and if the imminent threat of physical harm persists.

3. Compliant and passively resisting people

Members shall not discharge chemical aerosols at people who are complying with orders or are passively resisting as defined by policy.

4. Restricted use on people in a car

Members shall not discharge chemical aerosols at a person in a car, unless all of the following apply:

- The person presents an imminent threat of physical harm to a member or others.
 - No reasonably effective alternative exists, meaning lower degrees of force or alternatives to force such as de-escalation techniques and tactics did not work, would not work, were not feasible or were too unsafe to attempt (P&P 5-301).
- a. Members shall consider whether incapacitating the driver with the chemical aerosol poses risks to passengers or others nearby and shall consider whether there are others nearby or passengers in the vehicle who could be adversely affected.

- b. If members discharge chemical aerosols at a person in a car, members shall allow available air circulation, which could include opening doors or windows or allowing the person to exit the vehicle.

5. Consider vulnerable people

Members must consider the possible heightened risk and adverse societal reaction to the use of chemical aerosols upon certain people.

- a. Unless such force is necessary to protect the member, the person posing the risk, or another person from objectively imminent physical harm, members shall **not** discharge chemical aerosols at a person when a reasonable officer would know that the person is:
 - Pregnant.
 - Elderly.
 - A small minor.
 - A visibly frail person.
 - A person with a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by the chemical aerosol.
- b. Members shall also consider whether there is a risk of exposing vulnerable people who may be nearby when discharging chemical aerosols.

6. People swallowing narcotics

Discharging chemical aerosols to prevent the swallowing or ingesting of narcotics is prohibited. See P&P 7-350 for requirements around medical treatment when a person may have swallowed narcotics or have narcotics in their mouth.

D. Tactics and Requirements When Using Chemical Aerosols

1. Only deliver chemical aerosols to intended people

Members shall only discharge chemical aerosols at intended people and shall exercise due care to minimize exposure of non-targeted people. Members shall consider the risk of unintended exposure.

2. Warning required

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

- a. Members 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 a member reasonably believes may result in the use of the chemical aerosol.

3. Re-assess after discharge

Chemical aerosols that emit a stream shall be discharged in one to two second bursts, except in rare circumstances where there is an imminent threat of physical harm and pausing to reassess is not feasible. After each discharge of a chemical aerosol members shall stop, re-assess the situation and subject behavior, and determine whether any subsequent discharges are objectively reasonable, necessary, and proportional.

4. Separate uses of force

Each discharge of a chemical aerosol is a separate use of force that members must separately justify as objectively reasonable, necessary, and proportional.

E. Treatment and Aid for Chemical Aerosol Exposure

1. In addition to standard medical treatment after uses of force (in accordance with P&P 5-301 and P&P 7-350), 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).
 - Placing the person in an upright seated position, or if that is not feasible, in the side recovery position.
2. A person who has been exposed to a chemical aerosol shall not be left lying on their stomach once handcuffed or restrained.
3. Members shall keep a person exposed to the chemical aerosol under close observation until they are released to medical or other law enforcement personnel and shall watch for symptoms of a significant adverse reaction, which could include, but are not limited to blistering, burns, difficulty breathing, excessive pain, visual disturbance, or an altered mental state.
 - a. If the person exhibits such symptoms after having flushed the affected areas, or the person indicates that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or a heart ailment) that may be aggravated by the chemical aerosol, members shall arrange for immediate transportation to a hospital for medical treatment.
4. When transferring custody of a person that has been exposed to chemical aerosols, the members shall notify the entity accepting custody of the exposure.

F. Training Required

MPD members shall only be issued, carry and use chemical aerosols if they have successfully completed approved annual training on chemical aerosols.

G. Specifications for Chemical Aerosols

1. Every sworn member 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 members when authorized by a supervisor.
3. Members shall not carry expired canisters of chemical aerosol. Prior to expiration, members shall coordinate with the Range to exchange the older canister for a replacement.
4. Members 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 a member is acting in their official MPD capacity.
5. Authorized chemical aerosols are:
 - a. Aerko, 1% CS/1% OC Solution.
 - Freeze +P 4 oz 2k3.
 - Deep Freeze 15.7 oz MK9 Streamer.
 - b. Defense Technology OC Solution.
 - 12oz MK9 Streamer, .2%.
 - 12oz MK9 Streamer, .4%.
 - 12oz MK9 Streamer, .7%.
 - 12oz MK9 Streamer, 1.3%.
 - c. Sabre OC Solution.
 - 16oz MK9 Streamer, .67%.
 - 16oz MK9 Streamer, 1/3%.
 - d. Defense Technology OC Solution- these shall only be carried by MPD SWAT members when directed by the SWAT supervisor.
 - 12oz MK-9S Vapor, .7%.
 - 12oz MK-9S, Vapor 1.3%.

Glossary

Carry Weapons and Force Devices: Having a weapon or force device on one's person. This includes having it in a pocket, holster, or backpack or similar container, as well as having it slung or having it in hand.

Chemical Aerosol: Aerosol, hand-held, pressurized, containerized chemical aerosol agents that emit a stream or vapor. (P&P 5-308)

Chemical Aerosol Agent: The active chemical ingredient in the chemical aerosol, such as 2-chlorobenzalmalononitrile (CS) and Oleoresin Capsicum (OC). (P&P 5-308)

Deliver Chemical Aerosols: When a discharged chemical aerosol comes into contact with a person (when a person is sprayed).

Discharge Chemical Aerosols: Using the actuator to release the contents from the canister, regardless of whether it impacts the intended person.

Use Weapons and Force Devices: Activating or applying a weapon's or force device's mechanical functions, pointing a weapon, or making contact with a person with the weapon or force device. This includes discharging a weapon such as a firearm, chemical aerosol, or impact projectile launcher, deploying a CEW, performing a CEW warning alert, activating a CEW, laser painting a person, applying handcuffs or restraints, and making bodily contact with a person with a baton or other impact weapon.