



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-312 Control Option- Firearms

(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 firearms.

II. Definitions

Discharging a Firearm: Discharging a firearm means firing a bullet or projectile from the end or muzzle of the weapon.

Terms defined in P&P 5-304:

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

III. Policy

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Firearms may only 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 firearms, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorized firearm discharges

An officer may lawfully discharge a firearm in accordance with policy in the following circumstances:

- a. In deadly force situations, in strict compliance with the Force Guiding Principles policy (P&P 5-301), and with a high degree of restraint.
- b. To dispatch an animal that is dangerous, or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
- c. To participate in authorized training.
- d. To participate in any authorized competition or legitimate sporting activity.

3. Prohibited firearm discharges

Officers shall not discharge firearms under the following conditions:

- a. As a warning or to command attention.
- b. Against people who present a danger only to themselves.
- c. Solely to protect property.

4. Shooting at or from motor vehicles

a. At moving vehicles

Firearms shall not be discharged at a moving or fleeing vehicle, unless one of the following narrow exceptions apply:

i. Imminent threat of deadly force other than the vehicle

- The officer or another person is currently being threatened with deadly force by an occupant of the moving vehicle, *and*
- The threat is by means other than the moving vehicle, *and*
- The officer reasonably believes there are no other reasonable means available to avert the imminent threat.

ii. Ramming attack

In the extreme case of a 'vehicle ramming attack' where a vehicle is being used as a weapon to target people to cause great bodily harm or death.

iii. Officer stuck in path of vehicle

aa. In the extreme case when an officer is stuck in the path of a vehicle, this exception *may* apply if the following conditions apply:

- The officer has no means of escape, *and*
- The officer reasonably believes there are no other reasonable means available to avert the threat, *and*
- The officer is unable to issue commands or the driver is disregarding commands to stop.

ab. Officers shall consider their positioning and avoid placing themselves in the path of a vehicle whenever possible. If officers find themselves positioned in the path of a vehicle, they shall attempt to move safely out of the path of the vehicle instead of discharging a firearm at it or any of its occupants.

ac. The moving vehicle itself does not presumptively constitute a threat that justifies an officer's use of deadly force.

b. From a moving vehicle

Firearms shall not be discharged from a moving vehicle unless:

- The officer or another person is currently being threatened with deadly force by another person, *and*
- The threat is by means other than a moving vehicle, *and*
- The officer reasonably believes there are no other reasonable means available to avert the threat.

c. Attempts to disable the vehicle

These prohibitions include attempting to disable the vehicle by discharging a firearm at the vehicle.

d. Considerations in these prohibitions:

- i. A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.
- ii. Bullets discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
- iii. Bullets discharged at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent people, including passengers in the vehicle.

- iv. Bullets discharged at moving motor vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring officers or other innocent people, including passengers in the vehicle.
 - v. Such risks, in most cases, weigh against discharging a firearm at or from a moving vehicle.
5. Shooting at a fleeing person
- Officers shall not discharge a firearm at a person who is running away from an officer except to counter an imminent threat of death or great bodily harm to the officer or another person.
6. Displaying or pointing a firearm
- a. Because firearms are a type of lethal or deadly force, officers shall only display or point a firearm if they reasonably believe that the situation may escalate to create an imminent threat of death or great bodily harm to the officer or another person.
 - b. Unnecessarily or prematurely drawing or displaying a firearm may limit an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.

B. Carry an Intermediate Weapon

While on-duty or while engaged in off-duty work, uniformed officers who are carrying a firearm shall carry on their person at least one intermediate weapon (P&P 5-301).

C. Treatment and Medical Aid

Officers shall, as soon as reasonably practical, provide medical treatment to any person who is shot, in accordance with P&P 5-301 and P&P 7-350.

D. Notification of Firearm Discharges

1. Officer responsibility

Any officer who discharges a firearm, whether on or off duty, shall make direct contact with their immediate supervisor or the on-duty Watch Commander and the local jurisdiction as soon as possible **except**:

- During training, testing or legal recreation purposes.

2. Supervisor responsibility

- a. The supervisor shall respond to any scene in which an officer has discharged a firearm while on-duty or in the course of duty.

- b. The supervisor is responsible for notifying the Watch Commander and when appropriate, the officer's Deputy Chief and the on-duty Homicide investigator. This does not include the discharge of a firearm with the intention of dispatching an animal, unless it results in injury to a person.
 - c. Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report policy (P&P 2-101).
 - d. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.
 - e. At any officer-involved shooting incident, the Critical Incident Policy (P&P 7-810) shall be followed.
3. Reporting firearms discharges to the State

MN Statute section 626.553 requires the Chief of Police to report to the State Commissioner of Public Safety whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or when killing an animal that is sick, injured or dangerous. Written notification of the incident must be filed within 30 days of the incident. The notification shall include information concerning the reason for and circumstances surrounding discharge of the firearm. The Internal Affairs unit supervisor shall be responsible for filing the required form(s) with the State Bureau of Criminal Apprehension.

E. Required Written Reports

1. All officer firearm discharges that require notification, other than Critical Incidents, shall be reported in a Police Report, including a Narrative Text, by the officer involved and the supervisor who was notified. The report shall include the code "DISWEAP."
2. The officer shall complete Force Reporting in accordance with P&P 5-302 and the supervisor shall then complete a Supervisor Force Review in accordance with P&P 5-303.
3. The Watch Commander shall include all case numbers on the Watch Commander log.

F. Specifications, Training and Other Requirements

Specifications, training requirements and other requirements for firearms can be found in P&P 5-400.