



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-312 Force Option- Firearms

(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 firearms, 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 covers uses of force involving firearms. Other requirements for handling of firearms, training, equipment specifications, etc. are primarily covered in P&P 5-400.

This policy does not cover impact projectiles and launchers (P&P 5-307), conducted energy weapons (CEWs) (P&P 5-309), or chemical munitions (P&P 5-313).

II. Policy

A. Authorized Use of Deadly Force

In accordance with P&P 5-301:

The authority to use deadly force is a critical responsibility that shall be exercised judiciously and with respect for human rights, dignity and respect for the sanctity of every human life, and shall always be the last resort.

Deadly force shall not be used against a person whose conduct is only a threat to property.

1. The use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary (MN Statute section 609.066 Subd. 2):

- a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. Can be articulated with specificity.
 - and
 - ii. Is reasonably likely to occur absent action by the law enforcement officer.
 - and
 - iii. Must be addressed through the use of deadly force without unreasonable delay.
- or
- b. To effect the arrest or capture, or prevent the escape, of a person, when both of the following apply:
 - i. The peace officer knows or has reasonable grounds to believe the person has committed or attempted to commit a felony.
 - and
 - ii. The officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause [1-a], items [i] to [iii], unless immediately apprehended.
- 2. A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time, and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria as detailed in this policy in clause [1-a], items [i] to [iii] (MN Statute section 609.066 Subd. 2).
- 3. Before using deadly force, members shall first consider all reasonably safe and feasible alternatives (MN Statute section 626.8452 Subd. 1a).

This means that members shall not use deadly force unless they have exhausted feasible de-escalation techniques and tactics, and intermediate weapons or empty hand techniques have been tried, have failed, or would be impractical or unsafe based on the totality of the circumstances.

B. Conditions for Use

Firearms may only be used in accordance with the factors and requirements described below. In addition to the conditions in this policy, the use of firearms must be objectively reasonable, necessary, and proportional, and members shall use the lowest degree of force

necessary (P&P 5-301). When using firearms 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 change.

1. Displaying a firearm or pointing a firearm

- a. Because firearms are a type of lethal or deadly force, members shall only display or point a firearm if there is an objectively reasonable belief that the situation may escalate to create an imminent threat of death or great bodily harm to the member or another person.
 - Members shall not point firearms with a tactical flashlight mounted solely to illuminate. The above requirements still apply.
- b. Unnecessarily or prematurely drawing or displaying a firearm may limit a member's alternatives in controlling a situation and may inhibit or limit communication between the member and the person.

2. Authorized firearm discharges

- a. The intentional discharge of a firearm, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force (MN Statute section 609.066 Subd. 1).
 - i. Members shall only intentionally discharge a firearm in the direction of another person, or at vehicle in which another person is believed to be, in accordance with the Authorized Use of Deadly Force and the other requirements in this policy.
 - ii. Before discharging a firearm, members shall identify themselves as law enforcement officers, and clearly and precisely warn of their intent to use deadly force, when it is safe and feasible to do so (P&P 5-301).
- b. In situations where deadly force is not authorized, sworn members may only lawfully discharge a firearm in accordance with this policy when:
 - i. Dispatching an animal that is dangerous, or to humanely remove an animal from further suffering and alternative methods of disposition are impractical.
 - ii. Participating in authorized training and testing.
 - iii. Participating in any authorized competition or legitimate sporting activity.

3. Prohibited firearm discharges

In addition to the prohibitions in the Authorized Use of Deadly Force regarding protecting property and people who present a danger only to themselves, members shall not discharge a firearm under the following conditions:

- a. As a warning or to command attention.
- b. At a crowd.
- c. When the person is not in the member's sight, including through walls or closed doors, unless the following conditions are met:
 - The member has a reasonable belief, based on clear and articulable evidence, that a person behind the barrier poses an imminent threat of death or great bodily harm to the member or another person, and must be addressed through the use of deadly force without unreasonable delay.
 - All other reasonable means of addressing the threat have been exhausted or are not feasible under the circumstances.
 - The member has verified, through sound or visual cues, the location of the person posing the threat.
 - The member has determined that other people are not in the line of fire.

4. Environmental factors

Members shall consider environmental factors such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks, when feasible.

5. Shooting at or from motor vehicles

a. At moving vehicles

Members shall not discharge a firearm at a moving or fleeing vehicle, including when attempting to disable a vehicle by discharging a firearm at the vehicle, unless one of the following narrow exceptions apply:

i. Imminent threat of death or great bodily harm by means other than the vehicle

- The member or another person is currently being threatened with death or great bodily harm by an occupant of the moving vehicle, *and*
- The threat is by means other than the moving vehicle, *and*
- The member 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 death or great bodily harm.

iii. Member stuck in path of vehicle

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

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

ab. Members shall consider their positioning and shall not place themselves in the path of a vehicle, whenever possible. If members 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 the vehicle or any of its occupants.

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

b. From a moving vehicle

Members shall not discharge a firearm from a moving vehicle unless:

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

c. Considerations in these prohibitions

When feasible, members shall consider the following when determining whether to discharge a firearm at a vehicle under one of the above exceptions:

- 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 vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.
- iii. Bullets discharged at or from moving vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring members or other innocent people, including passengers in the vehicle.

- iv. Bullets discharged at moving vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring members 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.

6. Shooting at a fleeing person

Members shall not discharge a firearm at a person who is running away from a member except to counter an imminent threat of death or great bodily harm to the member or another person (and in accordance with the other requirements in [II-A] and the rest of this policy).

7. Prohibition on striking with a firearm

Members are prohibited from using firearms as an impact weapon or a striking tool against a person or property unless deadly force would be justified.

- This includes, but is not limited to, breaking windows with a firearm and striking someone with any part of a firearm.
- Using a firearm in such a manner increases the possibility of discharging the firearm and firearms may have sharp edges that can cause additional injuries.

C. Treatment and Medical Aid

Members 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. Member responsibility

Any member who discharges a firearm, whether on or off duty, shall make direct contact with their immediate supervisor (P&P 2-101) or the on-duty Watch Commander and the local jurisdiction as soon as possible **except**:

- Intentional discharges during training, testing or legal recreation purposes.

2. Unintentional firearm discharges

All unintentional firearm discharges shall be reported in accordance with P&P 2-101.

The investigation by Internal Affairs will include a determination of whether the discharge was intentional and must be reported as force (P&P 5-302).

3. Supervisor responsibility

- a. At any officer-involved shooting incident, the Critical Incident Policy (P&P 7-810) shall be followed.
- b. The supervisor shall respond to any scene in which a member has discharged a firearm while on-duty or in the course of duty.
- c. The supervisor is responsible for notifying the Watch Commander and when appropriate, the member'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.
- d. Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report policy (P&P 2-101).
- e. The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.

4. 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 dispatching 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 member firearm discharges that require notification, other than Critical Incidents, shall be reported in a Police Report, including a Narrative Text, by the member involved and the supervisor who was notified. The report shall include the code "DISWEAP."
2. The member shall report the force in accordance with P&P 5-302 and the supervisor shall review the force in accordance with P&P 5-303.
3. The Watch Commander shall include all case numbers on the Watch Commander log.

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.

Deadly Force: “Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.” (MN Statute section 609.066)

Discharge a Firearm: Firing a bullet or projectile from the end or muzzle of the weapon.

Displaying a Firearm: Displaying means having a firearm in hand, while engaged with a subject. For a handgun, this means having it fully out of the holster (including the holster index position), while engaged with a subject. This does not include having the handgun holster ready. For larger firearms such as rifles, this means having it in hand (slung or unslung), while engaged with a subject.

Engaged with a Subject: Treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident. An example of a person who is the focus of law enforcement attention is a person in crisis who may not be suspected of committing a crime.

Imminent Threat: A threat is imminent when all of the following apply:

- It can be articulated with specificity.
- It is reasonably likely to occur absent action by the law enforcement officer.
- It must be addressed through the use of objectively reasonable, necessary, and proportional force without unreasonable delay.

A fear of future harm is only an imminent threat if it must be addressed without unreasonable delay, no matter how great the fear or likelihood of harm.

Intermediate Weapon: Weapons that are not intended to cause death or serious physical injury and are not empty hand techniques. These include CEWs, chemical aerosols, chemical munitions, impact projectiles, and batons.

Pointing a Firearm: Directing a firearm towards a person, with the intent to use or imply the use of the firearm.

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.