



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-313 Force Option- Chemical Munitions

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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 munitions, 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 chemical munition use. Impact projectiles that include chemical munition agents are covered both by this policy and by P&P 5-307.

II. Policy

A. Only for Use by SWAT

Chemical munitions shall only be used by trained Special Weapons and Tactics (SWAT) personnel, and only in accordance with the requirements below.

B. Civil Disturbances and Assemblies

All use of chemical munitions for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.

C. Conditions for Use

Chemical munitions may only be used in accordance with the factors and requirements described below. In addition to the conditions in this policy, the use of chemical munitions must be objectively reasonable, necessary, and proportional, and members shall use the lowest degree of force necessary (P&P 5-301). When using chemical munitions 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. Authorization

When not used for crowd control purposes or during civil disturbances (P&P 7-805), chemical munitions may only be used on a person, surface or structure in one of the following situations:

- a. For life-saving purposes.

or

- b. When approved by Deputy Chief or higher, the Commander of the Special Operations Division, or the SWAT Commander.

or

- c. When an occupant of a vehicle who is reasonably believed to be armed with a firearm refuses to exit the vehicle following a lawful command to do so, a SWAT supervisor can approve the use of 40mm rounds containing OC or CS for use on the vehicle (P&P 5-307).

2. Method of use

In the above situations, the chemical munition may be used in one of the following ways:

- a. Directed away from the person's location as a distraction.
- b. Directed at a surface such as a window, structure or vehicle, to deliver chemical munition agents to an area to expose nearby people or for area denial.
- c. Directed at a person when the chemical munitions are 40mm rounds containing OC or CS and intended for direct impact with a person, and when used in accordance with P&P 5-307.
- d. As an obscurant (when containing smoke).

3. Consider risks and other means of control

Prior to using chemical munitions, members shall consider:

- a. The risks to any person who may be inside a structure or vehicle, and to any person outside who might also be exposed.
- b. Whether the person could be controlled by any other reasonable means without unnecessary risk to the person, members, or to the public.
- c. Vulnerability of the person (P&P 5-301).

D. Warnings and Announcements**1. Warning required**

Prior to using a chemical munition, members shall provide oral warnings indicating that they intend to use chemical munitions 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 chemical munitions.

2. Announcements for impact projectiles

Any discharges from an impact projectile launcher shall follow requirements in P&P 5-307 regarding announcements, which are incorporated here for ease of reference:

It is important that whenever possible, all members involved, and possible responding members know that an impact projectile is being discharged so they do not mistake the sight and noise from the impact projectile discharge as a live ammunition discharge. In addition to the requirements in [II-D-1] above:

- a. Members shall announce over the radio that an impact projectile launcher will be discharged, when time and tactics permit.
- b. Whenever feasible, members discharging an impact projectile should yell "Code Orange!" prior to and during the discharge.

Note: Impact projectile launchers have an orange barrel indicating they are intermediate weapons (see the specifications in P&P 5-307).

E. Treatment and Medical Aid

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 munition agent 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 munition agent shall not be left lying on their stomach once handcuffed or restrained.
3. Members shall keep a person exposed to the chemical munition agent 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 munition agent, members shall arrange for immediate transportation to a hospital for medical treatment.
4. A member transferring custody of a person exposed shall inform the entity accepting custody that the person was exposed to a chemical munition agent.

F. Emergency Services

When chemical munitions are used, the Fire Department and an ambulance will be on standby at a safe distance near the target area.

G. Canister Removal

After the scene is secured, SWAT team members shall remove and dispose of any canisters in the area.

H. Documentation

Members shall document use of chemical munitions as a use of force in accordance with the policy on reporting force (P&P 5-302).

I. Training Required

Only members who have completed the required training are authorized to use chemical munitions.

J. Specifications for Chemical Munitions

Members are only authorized to use chemical munitions that are issued by the Department. Members shall not modify or cause to be altered approved chemical munitions.

Impact projectile and impact projectile launcher specifications are described in P&P 5-307. Other chemical munitions are authorized by the Commander of the Special Operations Division.

Glossary

Area Denial: Preventing people from entering a room or similar area through the use of chemical munitions.

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 Munition: Munitions designed to deliver chemical munition agents from a launcher or be propelled by hand. (P&P 5-313)

Chemical Munition Agent: The active chemical ingredient in the chemical munition, such as 2-chlorobenzalmalononitrile (CS), Oleoresin Capsicum (OC), Hexachloroethane (HC-smoke), or Saf-Smoke™. (P&P 5-313)

Impact Projectile: An object launched from a tool designed to incapacitate the person or achieve pain compliance, exclusively through blunt-force trauma of kinetic energy from the mass of the projectile. Impact projectiles include the 40mm round and the bean bag round fired from a bean bag shotgun. (P&P 5-307)

Impact Projectile Launcher: The authorized tool designed to launch impact projectiles. This includes, but is not limited to, the 40mm launcher and the bean bag shotgun. (P&P 5-307)

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.