

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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| TO: Distribution "A" | | | RETENTION DATE: Until Rescinded |
| SUBJECT: Manual Revision – 5-300 Use of Force <u>5-304 Authorized and Prohibited Use of Force Control Options</u> <u>5-305 Control Option- Restraints</u> <u>5-306 Control Option- Empty Hand Techniques</u> <u>5-307 Control Option- Impact Projectiles and 40mm Launchers</u> <u>5-308 Control Option- Chemical Aerosols</u> <u>5-309 Control Option- Conducted Energy Weapons (CEWs)</u> <u>5-310 Control Option- Impact Weapons</u> <u>5-311 Control Option- Canines</u> <u>5-312 Control Option- Firearms</u> <u>5-513 5-502 Control Option- Chemical Munitions</u> <u>5-514 5-503 Control Option- Flash Sound Diversionary/Distractio</u> <u>n Devices</u> | | | APPROVED BY: |

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 5-304 of the MPD Policy and Procedure Manual shall be amended as follows:

5-304 Authorized and Prohibited Use of Force Control Options
 (09/08/20) (12/22/20) (04/04/21) (01/01/23) (03/17/23) (06/26/23) (xx/xx/24)
 Revisions to prior policies: (05/29/02) (10/16/02) (08/17/07) (12/15/09) (10/01/10)
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 (09/23/15) (04/05/16) (07/28/16) (07/13/17) (04/02/18) (07/16/19) (10/18/19) (06/11/20)
 (06/16/20) (08/21/20)

I. Purpose

- A. This policy is intended to recognize and respect the sanctity of life and value of all human life. The MPD recognizes that combative, non-compliant, armed or otherwise violent subjects may cause handling and control problems that require special training and equipment.

~~B. The MPD has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.~~

B. The purpose of this policy is to cover definitions, authorizations, restrictions and prohibitions that apply to all force options.

~~C. This policy addresses the use and deployment of all force control options that are available to sworn employees.~~

Control options covered:

Restraints:

Handcuffing

Maximal restraint technique (MRT) (Hobble Restraint) and Hogtie (prohibited)

Bodily force

Less-lethal 40mm launcher and impact projectiles

Chemical agents

Conducted electronic weapons (CEWs)

Impact weapons

Canine

Neck restraints and choke holds (prohibited)

Firearms

II. Definitions

Carry: Carrying a weapon or tool means having it 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.

~~**Deliver:** Delivering means to launch a weapon or technique to make impact with a subject or to strike a subject with an impact weapon or bodily force.~~

~~**Discharge:** Discharging means ejecting something out of the end or nozzle of a weapon (firing, spraying, launching, etc.).~~

Display: Display means having a weapon in hand, while engaged with a subject. For a handgun, this means having it out of the holster, while engaged with a subject. For larger weapons such as rifles, this means having it in hand (slung or unslung), while engaged with a subject.

Engaged with a Subject: This means treating someone as a potential suspect or dealing with a person who is the focus of law enforcement attention in an incident, while using some level of reportable force (such as display or pointing). An example of a person who is the focus of law enforcement attention is a person ~~an individual~~ in crisis who may not be a potential suspect.

Point: Pointing a weapon means directing it towards a subject, while engaged with them as a potential suspect or as a focus of law enforcement attention in an incident (such as a person ~~an individual~~ in crisis), with the intent to use or imply the use of the weapon. This includes using a CEW to laser paint a subject ~~areing or red-dotting a CEW, pointing impact weapons~~ and aiming firearms, and aiming less-lethal launchers.

Use: Using a weapon or tool means activating or applying any of its mechanical functions, pointing a weapon, or making contact with a subject with the weapon or tool. This includes discharging a weapon such as a firearm, CEW, aerosol, or 40mm launcher, arcing, red-dotting or activating a CEW, applying handcuffs or restraints, and making bodily contact with a subject with an impact weapon. Using empty hand techniques means making bodily contact with a subject or with bodily force.

III. Policy

A. Authorized Control Options and Improvised Use of Unauthorized Control Options

~~2. All uses of force control options and weapons shall be in accordance with the standards and requirements in P&P 5-301.~~

~~a. Force control options shall only be used in a manner that would be found objectively reasonable (in accordance with P&P 5-301).~~

~~b. If lower levels of force are ineffective, higher levels of force may be used for control and safety, subject to any additional restrictions on specific options or limitations in P&P 5-300.~~

1. Sworn MPD employees Officers shall only carry and use MPD approved weapons for which they are currently trained and authorized to use through the MPD Training Division, except in exigent circumstances.

a. An authorized device is a device an officer has received permission from the MPD to carry and use in the discharge of that officer's duties, and for which the officer has:

i. a. Obtained training in the technical, mechanical and physical aspects of the device;

and

ii. b. Developed a knowledge and understanding of the MPD policy, law, rules and regulations regarding the use of such a device.

2. MPD Training provides the foundation for considerations regarding decision-making and the use of force. While this training is as comprehensive as possible, it is recognized that not all situations are linear and that use of force sometimes deviates from trained techniques.

a. In the event that an officer's use of force incorporates improvised weapons or techniques, officers shall still adhere to the force guiding principles and ensure their actions are objectively reasonable, necessary, and proportional (P&P 5-301).

~~3. If an exigent circumstance exists that poses an imminent threat to the safety of the employee or the public requiring the immediate use of an improvised weapon of opportunity, the employee may use the weapon in accordance with the standards in P&P 5-301 (including, but not limited to, the section on Objectively Reasonable Force Consistent with Policy, Law and Training).~~

- ~~3.~~ ~~4.~~ The use of a ~~firearm~~, vehicle, ~~intermediate less-lethal or non-lethal~~ weapon, ~~empty hand technique~~, or other improvised weapon by an officer may constitute the use of deadly force, depending on how the weapon or technique was used. ~~This policy does not prevent a sworn employee from drawing a firearm or being prepared to use a firearm in threatening situations, in accordance with P&P 5-301 and the firearm section in this policy (P&P 5-302).~~

B. Limitations and Prohibitions ~~on the Use of Certain Restraints~~

~~1. Statutory prohibition~~ Transporting a person face down

~~In accordance with MN Statute section 609.06, Officers shall not secure a person in any way that results in transporting the person face down in a vehicle the following restraints shall not be used unless MN Statute section 609.066 authorizes the use of deadly force to protect the officer or another from death or great bodily harm (MN Statute section 609.06).~~∴

- ~~a. Securing a person in any way that results in transporting the person face down in a vehicle.~~
- ~~b. Less-lethal measures must be considered by the officer prior to applying these measures.~~

~~2.~~ ~~3.~~ Prone positioning

- a. People in MPD custody shall not be placed in the facedown prone position or any other position that causes a breathing restriction, other than briefly when necessary to secure the person or to prevent the person from causing harm to themselves or others.
- b. If a person is in a position that causes a breathing restriction, for the purpose of securing the person or preventing the person from causing harm to self or others, the person shall be placed in a sitting position, or laying on their side, in a recovery position, as soon as safely possible for all parties. These positions allow the person to breathe freely, reducing the possibility of bodily harm or death from any part of the body respiratory system being restricted or manipulated.

~~3. Prohibition on neck restraints and choke holds~~

~~Neck Restraints and choke holds are prohibited, in accordance with the section in this policy (P&P 5-302) covering neck restraints and choke holds.~~

~~K.~~ Neck Restraints and choke holds are prohibited. Instructors are prohibited from teaching the use of neck restraints or choke holds.

- ~~• MN Statute section 609.06 Subd. 3 (b) defines a~~ A choke hold is “as a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the

windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.” (MN Statute section 609.06 Subd. 3 (b))
[Moved from 5-304 [III-K]]

4. Prohibition on hogties

~~2.~~ Hogtying a subject is prohibited.

[Moved from 5-304 [III-D-2]]

- ~~a.~~ A hogtie involves tying the feet of the subject directly to their hands behind their back.

5. ~~D.~~ Prohibition on the Maximal Restraint Technique (MRT) and Hogtie (prohibited)

[Moved from 5-304 [III-D]]

~~4.~~ The Maximal Restraint Technique (MRT) and the Hobble Restraint Device (and related devices) are prohibited.

- ~~u.~~ The Maximal Restraint Technique (MRT) is a technique used to secure a subject’s feet to their waist, through the Hobble Restraint Device or other related devices.

6. Knives

[Moved from 3-204]

~~Officers shall not carry knives as weapons. Officers Employees may carry a knife as a tool with a . The knife blade length no longer than shall not exceed 4 inches.~~

C. Force Used During Off-Duty Employment Outside of Minneapolis

When reportable force is used during the scope of off-duty employment outside of Minneapolis (i.e. for another law enforcement agency), officers shall obtain a Minneapolis CCN from MECC and complete a Police Report with the code AOA and refer to the outside employer’s incident report in the Narrative Text. If an MPD CEW was used when working off-duty outside of Minneapolis, officers shall then download the device and store the information under the Minneapolis CCN (the MPD CEW must be approved for use with the outside agency in the required Letter of Agreement per P&P 3-801).

5-305 C. Control Option- Restraints Handcuffing

(xx/xx/24)

Revisions to prior policies: (09/08/20) (12/22/20)

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 handcuffing.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Use

III. Policy

A. ~~1. Authorized use~~ Conditions for Use of Handcuffs

a. Arrests

~~i. To minimize the risk of injury to officers and others during arrest situations, officers shall handcuff all persons arrested as soon as possible (in accordance with P&P 9-100).~~

~~ii. Handcuffs are authorized when transporting in custody subjects (in accordance with P&P 9-100).~~

b. Investigative detentions (“Terry Stops”)

1. Objectively reasonable, necessary and proportional

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

2. Situational factors

~~i. Handcuff use during investigative detentions is authorized when one or more of the following factors are present (including during arrests, investigative detentions, execution of search warrants, etc.):~~

- ~~aa. Articulable facts that the subject is physically uncooperative;~~
- ~~ab. Articulable facts that the a-subject’s actions at the scene may present a physical danger to themselves or others if not restrained;~~
- ~~ae. Reasonable possibility of flight based on the circumstances;~~
- ~~ad. Information that the subject is currently armed;~~
- Information that the subject possesses or has access to weapons, and presents a danger to the safety of the officer or others.
- ~~ae. The stop detention of the subject closely follows a violent crime and the subject matches specific parts of a description;~~
- ~~af. The number of subjects involved in the action ~~stop~~ causes an articulable safety concern;~~ ~~or~~

- ~~ag-~~Articulate facts that the subject will be involved in a crime of violence that is about to occur.
- a. In accordance with P&P 5-302, officers shall document the circumstances necessitating handcuffing in the Narrative Text.
- b. ~~iii-~~The authority to handcuff ~~during investigatory stops~~ continues for only as long as the circumstances above exist. Officers should follow the force guiding principles in making this determination (P&P 5-301).
- c. b. ~~When responding to a scene where a subject has already been placed in handcuffs prior to arrival by another agency,~~ officers shall not place MPD handcuffs on the subject until they have confirmed the factors necessitating handcuffs ~~reasonable suspicion or probable cause based on their independent investigation or findings.~~
 - ii. ~~Care and discretion should be used with individuals at extremes of age in handcuffing such individuals during an investigative detention.~~

3. Subject factors

Before handcuffing a person who is a young juvenile, obviously pregnant, elderly, or frail, or has another apparent physical condition limiting their ability to cause physical harm, or when handcuffing would exacerbate an injury or medical condition, officers shall take into account individualized factors of the person including:

- Apparent age.
 - Body size.
 - Strength relative to the officer.
 - Known or perceived disabilities.
 - Apparent ability to cause physical harm.
 - Other risks posed by the person.
- a. If necessary to handcuff such a person, the officer shall document their considerations in the Narrative Text.

e. Suicidal persons

~~Handcuffs are authorized when engaging a person who is reasonably believed to be suicidal.~~

d. Search warrant service

- i. ~~Handcuffs are authorized when executing a search warrant at a private residence as is reasonably necessary to execute the warrant in safety.~~
- ii. ~~Handcuffs are authorized when executing a search warrant at a commercial business open to the public if it reasonably appears that handcuffing is necessary to protect an officer or others from physical harm. Circumstances that justify initial handcuffing may change and eliminate continued justification.~~

~~e. Detoxification subjects~~

~~Handcuffs are authorized when transporting detoxification subjects.~~

~~2. Unauthorized use~~

~~a. If medical circumstances make it unreasonable to handcuff an arrestee, officers shall refrain from handcuffing~~

B. 3-Checking handcuffs

~~1. a-Officers shall check handcuffs for proper spacing-tightness and double lock as soon as it is safe to do so prior to transport.~~

~~2. b-When a handcuffed subject first complains that handcuffs are too tight or are hurting the subject, the officer having custody of the handcuffed subject shall, as soon as reasonably possible, check the handcuffs to make sure that they are properly spaced and properly applied-not too tight. If they are not properly spaced or applied-too tight (per training), they shall be readjusted and double locked-loosened and relocked.~~

C. Plastic Handcuffs

[Moved from 3-204]

~~1. a-Plastic handcuffs may be used in mass arrest situations when the conditions for standard handcuff use apply. They ~~and~~ should be available in all Ssergeants' vehicles.~~

~~2. 3-Plastic handcuffs may also be used to supplement standard handcuffs in emergency situations.~~

~~3. When using plastic handcuffs, the employee-officer should monitor the arrestee-subject to prevent injury.~~

D. Specifications for Handcuffs

~~1. 1-Every officer-sworn MPD-employee shall carry at least one set of handcuffs while working in a uniform or plainclothes capacity.~~

[Moved from 3-204]

~~2. 2-Handcuffs shall comply with the following requirements:~~

[Moved from 3-204]

~~a. a-Authorized Brands: Smith & Wesson or Peerless.~~

~~b. b-Authorized Styles: Hinged or Chain.~~

~~c. e-Double locking mechanism.~~

~~d. d-Black or Chrome finish.~~

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 empty hand techniques.

II. Definitions

Empty Hand Technique: An empty hand technique is force used by an officer that employs the officer's own body as the mechanism of force (also called bodily force). Empty hand techniques do not include the use of an intermediate or improvised weapon.

1. Bodily force types Bodily force (also known as empty hand tactics) includes but is not limited to:

•Body weight to pin: Restricting a subject's movement by use of Using body weight to pin a the subject to the ground or floor, or to a fixed object while the subject is lying down.

[Moved from 2-a]

•Control pressure: Restricting a subject's movement while the subject is upright by use of body weight to pin Pressing a the subject into a fixed object while the subject is not lying down (such as applying pressure while the subject is against a vehicle or building). *[Moved from 2-b]*

•Escort holds: (Temporary holding of the hand, wrist, arm or shoulder to physically control or direct a subject).

•Joint manipulations: (Physically Forcefully controlling contorting a subject's joint to control or limit or direct movement). This also includes locks such as wristlocks, armbars, shoulder locks, joint locks, etc.

•Joint locks: (Manipulating a subject's joint until it reaches its maximal degree of motion and hyperextension wrist lock, shoulder lock, elbow lock, etc).

•Nerve pressure points-Pressure point compliance: (Directed touch pressure that is delivered to gain compliance and may result in brief temporary pain).

•Pushes: (Using physical force to press forward in an effort to effect movement).

•Strikes: (Punches, kicks, knees, slaps).

•Takedown techniques or tackles: (Using physical force to direct a person to the ground). Using bodily force that compels a standing or seated person to the ground or floor, or forceful actions that result in the person ending up on the ground or floor (whether intentional or unintentional).

Examples of actions that constitute takedowns include, but are not limited to:

1. Two-officer or single-officer takedown.
2. ~~If a~~ A pull, push or shove that propels the subject to the ground or floor, it is considered a takedown.
[Moved from 3]
3. ~~A v~~ Vehicle extractions that ends on the ground or floor are considered takedowns.
[Moved from 4]
4. Tackling the subject.
5. A leg sweep.

Terms defined in P&P 5-304:

- Use

III. Policy

6. Strikes (punches, kicks, knees, slaps)

a. Strikes may be delivered:

i. ~~To subjects who are exhibiting Aggressive Resistance or Assault, or; When such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.~~

or

ii. ~~For life saving purposes, or;~~

iii. ~~To subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).~~

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Empty hand techniques may only be 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 empty hand techniques, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Restriction on strikes

~~b.~~ Strikes shall not be used with delivered to people persons who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

B. ~~7.~~ **Treatment and Mmedical Aaid**

In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when officers ~~use deliver~~ strikes, or if empty hand techniques ~~bodily force~~ causes a subject's head to strike an object or surface, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the person's medical condition until they are released to medical or other law enforcement personnel.

~~1.~~ Bodily force types

~~Bodily force (also known as empty hand tactics) includes but is not limited to:~~

- ~~• Escort holds (temporary holding of the hand, wrist, arm or shoulder to physically control or direct a subject)~~
- ~~• Joint manipulations (physically contorting a subject's joint to control or limit movement)~~
- ~~• Nerve pressure points (touch pressure)~~
- ~~• Joint locks (manipulating a subject's joint until it reaches its maximal degree of motion and hyperextension - wrist lock, shoulder lock, elbow lock, etc.)~~
- ~~• Body weight to pin~~
- ~~• Control pressure~~
- ~~• Takedown techniques or tackles (Using physical force to direct a person to the ground)~~
- ~~• Pushes (using physical force to press forward in an effort to effect movement)~~
- ~~• Strikes (punches, kicks, knees, slaps)~~

[Moved to Definitions]

~~2.~~ Body weight to pin and control pressure

~~a.~~ ~~Body weight to pin definition~~

~~Restricting a subject's movement by use of body weight to pin the subject to the ground or floor.~~

[Moved to Definitions]

~~b.~~ ~~Control pressure definition~~

~~Restricting a subject's movement while the subject is upright by use of body weight to pin the subject to a fixed object (such as applying pressure while the subject is against a vehicle or building).~~

[Moved to Definitions]

~~e. Reporting~~

~~Body weight to pin and control pressure require a report and Use of Force details page. The requirement to notify a supervisor for body weight to pin and control pressure varies based on where the pressure was applied:~~

~~i. Supervisor notification required~~

~~A supervisor notification is required for:~~

~~aa. Body weight to pin or control pressure resulting in injury or alleged injury (including loss of consciousness).~~

~~ab. Body weight to pin on the front rib cage area or the head.~~

~~ac. Control pressure on the head.~~

~~ii. Supervisor notification not required~~

~~A supervisor notification is not required for the following types, unless another condition applies such as an injury:~~

~~aa. Body weight to pin on limbs, hips, the back or the stomach.~~

~~ab. Control pressure on limbs, hips, or the torso.~~

~~3. Pushing to the ground~~

~~If a push or shove propels the subject to the ground or floor, it is considered a takedown.
[Moved to Definitions]~~

~~4. Vehicle extractions to the ground~~

~~Vehicle extractions that end on the ground or floor are considered takedowns.
[Moved to Definitions]~~

~~5. Neck restraints and choke holds covered elsewhere~~

~~Neck restraints and choke holds are considered separate control options under this policy (and are not included as bodily force).~~

5-307

F. Control Option- Less Lethal 40mm Launcher and Impact Projectiles and 40mm Launchers

(xx/xx/24)

Revisions to prior policies: (07/16/19) (08/21/20) (09/08/20) (04/04/21) (01/01/23)

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 impact projectiles and 40mm launchers.

This policy addresses impact projectile use. Chemical munitions are covered by P&P 5-313.

II. Definitions

40mm Round: The 40mm ~~less-lethal~~ round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of ~~an aggressive, non-compliant a~~ subject.

Bean Bag Round: A direct fire round fired from a shotgun and used when maximum deliverable energy is desired for the incapacitation of a subject.

Delivery of an Impact Projectile: When a discharged impact projectile comes into contact with a subject.

Discharging an Impact Projectile: Discharging an impact projectile means ejecting it out of the end or nozzle of the weapon.

Impact Round: Impact rounds or projectiles include the 40mm round and the bean bag round.

Terms defined in P&P 5-301:

- Substantial Bodily Harm

Terms defined in P&P 5-304:

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

III. Policy

A. Impact Projectiles as an Intermediate Weapon

~~i. The discharge of the 40mm less-lethal round should be considered a level slightly higher than the use of an impact weapon and less than deadly force.~~ Impact projectiles are generally considered an intermediate weapon when delivered to areas of the subject's body that are considered unlikely to cause death or serious physical injury, but impact projectiles can be lethal in certain circumstances.

B. Civil Disturbances and Assemblies

- ~~1.~~ All carrying and use of 40mm launchers for crowd control purposes or during civil disturbances and assemblies shall only occur in accordance with P&P 7-805.

2. Shotguns and bean bag rounds shall not be carried or used for crowd control purposes.
 - a. ~~This policy applies to officers who are not working in a certified SWAT capacity.~~

C. Conditions for Use on a Subject ~~1. 40mm less-lethal round authorization~~

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a subject 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 impact projectiles or 40mm launchers, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Subject factors

Officers shall only discharge impact projectiles at a subject when:

- a. There is probable cause for an arrest or reasonable suspicion for detention, or the person has made a credible threat to harm themselves and has the means to do so.
and
- b. Such force is necessary to protect the officer, the subject, or another party from objectively imminent **substantial** bodily harm or greater.

~~4. 40mm launcher use~~

~~a. The 40mm launchers can be discharged when the incapacitation of a violent or potentially violent subject is desired. The 40mm launcher can be a psychological deterrent and physiological distraction serving as a pain compliance device.~~

3. 3. Target areas

- a. ~~a. The primary target areas for impact projectiles the 40mm less-lethal round should be the large muscle groups in the lower extremities including the buttocks, thigh, knees. Alternative target areas include the abdominal-ribeage area to the waist, and the larger muscle areas of the shoulder areas.~~
- b. ~~b. Officers shall be aware that the delivery of the 40mm impact projectiles to certain parts of the human body can cause grievous injury that can lead to a permanent physical or mental incapacity or possible death.~~
- c. ~~e. Officers shall not intentionally discharge less-lethal impact projectiles munitions at a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.~~

4. Consider risks and other means of control

~~ii. Prior to discharging impact projectiles at a subject using less lethal options, officers shall need to consider:~~

~~a. Any risks to the public or to the officers themselves.~~

~~b. iii. When discharging the 40mm less lethal round, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public, in accordance with knowledge and training in use of force and MPD policies governing the use of deadly and non-deadly force.~~

~~b. The 40mm launcher with the 40mm less lethal round should not be used in deadly force situations without firearm backup.~~

D. Conditions for Use on a Surface

1. Objectively reasonable, necessary and proportional

Impact projectiles and 40mm launchers may only be used on a surface 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 impact projectiles or 40mm launchers, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorization

Officers shall only discharge impact projectiles at a surface such as a window, structure or stationary vehicle in one of the following situations:

a. For life-saving purposes.

b. When an occupant of a vehicle is armed with a firearm or reasonably believed to be armed with a firearm and refuses to exit the vehicle following a lawful command to do so, and such use of the impact projectiles is approved by a SWAT supervisor.

c. When serving a high-risk search warrant as a means to breach the structure and communicate with the occupants or introduce technology such as unmanned aerial systems (P&P 4-226) or reconnaissance robots into the structure, and such use of the impact projectiles is approved by a Deputy Chief or higher. Deployment in this situation is intended to de-escalate the situation by establishing new lines of communication or observation.

d. When approved by the Chief or the Chief's designee.

3. Method of use

The impact projectile may be either:

a. Directed away from the person's location as a distraction.

or

b. Used to breach a window.

4. Consider risks

Prior to discharging impact projectiles at a surface, officers need to consider the risks to any person who may be struck by the projectile or by debris caused by the projectile's impact on the surface.

E. Announcements

~~i-~~It is important that whenever possible, all officers involved and possible responding officers know that a 40mm ~~round less-lethal projectile~~ is being discharged so they do not mistake the sight and noise from the 40mm ~~round projectile~~ discharge as a live ammunition discharge.

1. ~~e-~~Officers shall announce over the radio that a 40mm launcher will be discharged, when time and tactics permit.

2. ~~d-~~When appropriate given the situation, officers discharging a 40mm ~~round less-lethal projectile~~ should yell "Code Orange!" prior to and during the discharge.

Note: ~~ii-~~40mm launchers have an orange barrel indicating they are the less-lethal platform.

F. Requesting a 40mm Operator

~~b-~~If a supervisor or responding officers believe that there is a call or incident that may require the use of ~~40mm less-lethal~~ capability, they may request via radio or other means that an on-duty MPD-trained operator with a 40mm launcher respond to the scene.

G. 5. Carrying and Storage of 40mm Launchers

1. ~~a-~~40mm launchers shall be assigned to each precinct, City Hall and specialty units as needed.

2. ~~i-~~Each 40mm launcher shall be kept its own case and in a secured gun locker.

3. ~~ii-~~Only commanders or their designee and MPD-trained operators will have keys to the 40mm armory lockers.

4. ~~b-~~MPD-trained operators shall have the 40mm launchers available during their assigned shift, when possible.

H. 6-Maintenance of 40mm launchers

Only MPD certified Range personnel shall perform maintenance and repairs to the 40mm launcher.

I. Treatment and Medical Aid ~~7. Subjects injured by 40mm less-lethal projectiles~~

- ~~1. a. Medical assistance shall be rendered as necessary in accordance with P&P 5-301 and the Emergency Medical Response policy (P&P 7-350) In addition to standard medical treatment after use of force (in accordance with P&P 5-301), when a subject is struck by an impact projectile, treatment for the subject shall include visually inspecting the areas struck for signs of injury, when appropriate. Officers shall routinely monitor the person's medical condition until they are released to medical or other law enforcement personnel.~~
- ~~2. b. If possible, photographs should be taken of any injuries to the subject.~~

J. Documentation ~~8. Use of Force reporting~~

~~a. Officers who discharge impact projectiles a 40mm less-lethal round shall report the force in accordance with P&P 5-302-5-303.~~

K. Notifications and Supervision

- ~~1. b. Officers who discharge an impact projectile less-lethal round shall immediately notify dispatch, who will notify a supervisor.~~
- ~~2. e. A supervisor shall respond to the scene any time an impact projectile 40mm less-lethal round is discharged. The responding supervisor shall review the incident and complete a use of force review in accordance with P&P 5-303.~~
- ~~3. d. Supervisors shall ensure that all spent 40mm less-lethal rounds are collected and property inventoried if possible (P&P 10-400).~~

L. Training Required

- ~~1. e. Only officers trained in the use of the 40mm launcher and 40mm less-lethal round are authorized to carry and use them.~~
- ~~2. Only officers trained in the use of bean bag rounds and shotguns are authorized to carry and use them.~~

M. Specifications for 40mm Launchers and Impact Projectiles

- ~~1. MPD officers are only authorized to carry 40mm launchers that are issued by the department. Personally owned 40mm launchers, 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.~~
- ~~2. Standard projectiles~~

2. ~~a.~~ Officers shall only carry MPD-approved 40mm rounds. Ammunition specifications are available from the Range Master.
3. ~~b.~~ The MPD Range shall issue 40mm rounds with each launcher depending on the needs of the 40mm Operator Program. The MPD Range shall replace any rounds discharged or damaged as needed.
4. Officers shall only carry MPD-approved bean bag rounds and shall only use them with the approved shotgun.

5-308 G. Control Option- Chemical Aerosols Agents

(xx/xx/24)

Revisions to prior policies: (10/16/02) (08/17/07) (10/01/10) (09/04/12) (06/10/13) (06/16/20) (08/21/20) (09/08/20) (12/22/20) (04/04/21) (01/01/23)

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 chemical aerosols.

II. Definitions

Delivery of a Chemical Aerosol: When a discharged chemical aerosol comes into contact with a subject (when a subject is sprayed).

Discharge of a Chemical Aerosol: Using the actuator to release the contents from the canister, regardless of whether it impacts the intended subject.

Terms defined in P&P 5-304:

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

III. Policy

A. Chemical Aerosols as Intermediate Weapons

The MPD approved chemical aerosol is an intermediate weapon.

B. Civil Disturbances and Assemblies

~~b.~~ Chemical aerosols agents, regardless of canister size, shall only be discharged at subjects under the following circumstances: i. During during civil disturbances and assemblies, only when authorized in accordance with P&P 7-805.

C. Conditions for Use

1. Use of Chemical Agents

~~a. The use of chemical agents shall be consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).~~

1. Objectively reasonable, necessary and proportional

Chemical aerosols may only be 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 chemical aerosols, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

~~ii. In situations not involving civil disturbances or assemblies:~~

~~aa. On subjects who are exhibiting Aggressive Resistance or Assault, or;~~

~~ab. For life saving purposes, or;~~

~~ad. On 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 a restrained person, officers must first attempt to exercise additional control over the person using empty hand techniques other than strikes, when feasible.

c. Officers shall only use chemical aerosols against the restrained person once all feasible empty hand techniques have been attempted by the officer, and if the imminent threat of physical harm persists.

3. Compliant and passively resistant people

~~e. Chemical aerosols agents shall not be discharged at people persons who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).~~

4. People swallowing narcotics

~~d. Discharging chemical aerosols agents to prevent the swallowing or ingesting of narcotics is prohibited.~~

D. Tactics and Requirements When Using Chemical Aerosols

1. Warning required

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

- a. Officers 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 an officer reasonably believes may result in the authorized use of force.

2. Re-assess after delivery

Officers shall stop the discharge once the chemical aerosol is delivered, re-assess the situation and threat level, and determine whether any subsequent discharges are necessary and reasonable.

3. Only deliver to intended people

~~d. Sworn MPD employees~~ Officers shall only discharge the chemical aerosol at intended subjects and shall exercise due care to minimize exposure of non-targeted people ensure that only intended persons are exposed to the chemical agents.

E. 2. Treatment and Aid for Chemical ~~Aerosol~~ Agent Exposure

1. ~~a.~~ 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 agent shall include as many of the following as possible ~~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. ~~b. Sworn employees~~ Officers shall keep a person exposed to the chemical aerosol agent under close observation until they are released to medical or other law enforcement personnel.

3. ~~c.~~ An officer who has discharged a chemical agent at a person shall inform individuals accepting custody that it was discharged at the person. When transferring custody of a person that has been exposed to chemical aerosols, the officers shall notify the entity accepting custody.

~~d. Discharging chemical agents to prevent the swallowing of narcotics is prohibited.~~

F. Specifications for Chemical Aerosols

[Moved from 3-204]

1. ~~1. Every officer sworn MPD employee shall carry a 4 oz. canister of chemical aerosol agent on their person at all times while working in uniform.~~
2. ~~In addition, Ceanisters larger than 4 oz. may be carried by officers sworn MPD employees when authorized by a supervisor.~~
3. 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. ~~2. Employees shall only carry the chemical agent issued to them by the department.~~
4. ~~3. Authorized chemical aerosols agents are:~~
 - a. Aerko Freeze +P, 1% CS/1% OC
 - 4 oz 2k3
 - 17.5 oz M9 Streamer
 - b. Defense Technology Oleoresin Capsicum (OC) Solution .2%
 - 12oz MK9 Streamer

5-309 H. Control Option- Conducted Energy Weapons (CEWs)

(xx/xx/24)

Revisions to prior policies: (08/17/07) (10/01/10) (07/16/12) (10/07/13) (09/08/20) (12/22/20) (04/04/21) (01/01/23)

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 CEWs.

II. Definitions

~~Terms related to Conducted Energy Weapons (CEWs):~~

Apply: When a CEW is used for ~~touch/contact stun or drive/stun~~ applications (involving contact with the subject by the CEW).

Deploying a CEW: Using the trigger on the CEW, resulting in the ejection of probes.

Drive-Stun: ~~Touch/Contact Stun and Drive- Applying drive-stun mode is when the CEW is strongly, with forceful pressure, pushed directly into a subject's nerve bundle and touch/contact stun mode is applied. When the CEW is pushed firmly against the body of the subject and the CEW is energized without deploying a cartridge.~~

Activating-Energizing a CEW: ~~Activating-Energizing a CEW means cycling the electricity through successfully deployed probes, through re-energizing probes that have already been deployed, through a warning arc, or through a drive-stun application engaging the Arc switch, or~~

the trigger after probes have been discharged, to generate electricity through arcing or cycling. Activating on a subject means engaging the arc switch in touch/contact stun or drive-stun applications or engaging the arc switch or the trigger after probes have been discharged at a subject.

Probe Mode: When a CEW is used to deploy discharge probes (also called darts) at a person for the purpose of achieving neuromuscular incapacitation.

Laser Painting-Red Dotting: Un-holstering and pointing a CEW at a person and activating the laser aiming device. In some cases, this may be effective at gaining compliance without having to actually deploy probes discharge a CEW. Also known as “red dotting” “painting” the target.

Touch/Contact Stun: Applying touch/contact stun mode is when a CEW’s electrodes contact a subject’s body and the trigger or arc button is activated with no cartridge or probes being discharged. Contact from the CEW with the subject completes the electrical circuit which causes pain but does not cause an incapacitating effect.

Warning Arc-Arcing: Un-holstering the CEW and activating the arc CEW for purposes of threatening its use prior to actual discharge or drive-stun or touch/contact stun application. In some cases, this may be effective at gaining compliance without having to actually discharge at or apply drive-stun or touch/contact stun on at a subject. The warning arc is intended to be used as a de-escalation tactic in an effort to gain compliance without discharging or applying the device on a subject.

Terms defined in P&P 5-304:

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

III. Policy

1. CEW authorization

A. CEW as an Intermediate Weapon

a. The MPD approved Conducted Energy Weapon (CEW) (P&P 3-200) is an intermediate weapon but can be lethal in certain circumstances considered a less lethal weapon.

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

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

2. Use on a fleeing subject

Officers should be aware that deploying a CEW at a subject who is fleeing may result in serious physical injury, depending on the surface and surrounding environment.

Therefore, the following conditions apply:

a. Officers shall only use CEWs on subjects who are fleeing when either:

i. The officer has probable cause to believe the subject has committed one of the following offenses:

- Sexual assault involving the use or threatened use of a dangerous weapon.
- Homicide.
- 1st and 2nd degree assault.
- Aggravated robbery.
- Kidnapping.
- Firearms- felony firearm discharges, firearm pointing in violation of MN Statute section 609.66 Dangerous Weapons.

or

ii. Such force is necessary to protect the officer, the subject, or another party from objectively imminent physical harm.

b. Flight shall never be the sole reason for using a CEW on a person.

c. CEWs may be used:

i. On subjects who are exhibiting Aggressive Resistance or Assault, or;

ii. For life saving purposes, or;

iii. On 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).

d. CEWs shall not be used against subjects who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

3. e. Subject factors

i. Officers must consider the possible heightened risk of injury and adverse societal reaction to the use of CEWs upon certain people individuals.

a. Except where deadly force is the only other option, officers shall not deploy or energize a CEW against a person when a reasonable officer would know that the

~~person is must be able to articulate a correspondingly heightened justification when activating a CEW on:~~

- ~~• Persons with known heart conditions, including pacemakers or those known to be in medical crisis;~~
- ~~• Pregnant Women known to be pregnant;~~
- ~~• Elderly persons;~~
- ~~• A small child (typically 12 years old or younger) or young children;~~
- ~~• Frail persons or persons A visibly frail person, or person with a very thin stature or low body mass (i.e., may have thin chest walls);~~

b. Officers must be able to articulate a correspondingly heightened justification when activating a CEW on:

- Any juvenile (under the age of 18).
- A person in crisis (P&P 7-809).

~~ii. Prior to activating a CEW on a subject in flight the following should be considered:~~

- ~~• The severity of the crime at issue;~~
- ~~• Whether the subject poses an immediate threat to the safety of the officer or others, and;~~
- ~~• Whether the officer has a reasonable belief that activation of the CEW would not cause significant harm to the subject fleeing unless use of deadly force would otherwise be permitted.~~

4. f. Situational factors

Except where deadly force is the only other option, officers shall not deploy or energize a CEW against a person in situations when it is reasonably evident that activation may cause serious physical injury. In the following situations, CEWs should **not** be activated unless the use of deadly force would otherwise be permitted. Such situations include, but are not limited to:

- On a person persons in an elevated positions, who might be at a risk of a dangerous fall;
- On a person who is in physical control of a vehicle in motion persons operating vehicles or machinery;
- On a person persons who might be in danger of drowning;
- In environments in which combustible vapors and liquids or other flammable substances are present;
- On a person who has been exposed to chemical aerosols or chemical munitions.
- On a person who has been exposed to flammable material, such as gasoline or an alcohol-based pepper spray.

- In similar situations involving heightened risk of serious injury or death to the subject.
- ~~On persons who are already restrained in handcuffs unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective;~~

5. People in restraints

- Officers shall not deploy or energize a CEW 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.
- Prior to deploying or energizing a CEW on a restrained person, officers must first attempt to exercise additional control over the person using empty hand techniques other than strikes, when feasible.
- Officers shall only deploy or energize a CEW against a restrained person once all feasible empty hand techniques other than strikes have been attempted by the officer, and if the imminent threat of physical harm persists.

C. 2- Tactics and Requirements When Using a CEW-use

1. ~~e-~~Warnings

- Prior to deploying a CEW or applying it in drive-stun mode, officers shall provide oral warnings indicating that they intend to use the CEW unless the person submits to their authority, when it is safe and feasible to do so (in accordance with P&P 5-301).
- Officers shall allow a reasonable amount of time for a person to comply with a warning, when feasible to do so.
- The warning shall only occur in situations that an officer reasonably believes may result in the authorized use of force.

~~Officers shall, unless it is not feasible to do so, give verbal warnings or announce their intention to discharge a CEW prior to actual discharge.~~

- Use of the CEWs' ~~to laser paint pointer~~ (red dotting) or ~~conduct a warning arc arc~~ing of the CEW may be effective at diffusing a situation prior to actual deployment or application ~~discharge~~ of the CEW.

2. Targeting in probe mode

CEWs in probe mode shall not be intentionally targeted at the subject's head, neck, chest or groin.

3. a. Cycles in probe mode

When activating ~~deploying~~ a CEW ~~on a subject~~, ~~personnel~~ officers should energize ~~activate~~ it for one standard cycle (a standard cycle is five seconds) and shall then pause to evaluate the situation to determine if subsequent cycles are necessary.

- a. In determining whether any additional cycle is objectively reasonable, officers shall consider whether the person has the ability to comply and has been given a reasonable opportunity to comply prior to re-energizing or deploying additional cartridges.
- b. i. If subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control or place the subject in custody under the existing circumstances.
 - ii. Personnel should constantly reassess the need for further activations after each CEW cycle and should consider that exposure to multiple applications of the CEW for longer than 15 seconds may increase the risk of serious injury or death.
- c. Officers shall not deliver more than three cycles or 15 total seconds of a CEW (including probe mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.
- d. iii. Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. If there is a need for another cycle based on the standards above, officers should immediately ~~discharge~~ deploy another cartridge or transition to other control options ~~rather than activating continued ineffective cycles.~~

4. b. One officer at a time

~~Unless exigent circumstances exist as defined by policy (P&P 5-301), no more than~~ Only one officer shall intentionally deploy or apply a CEW on a person against a subject at one time.

5. Drive stun mode

- a. e. CEWs should generally be used in the probe mode. Officers shall only apply the CEW in drive stun mode in defensive applications, such as a countermeasure to gain separation between officers and the subject so that officers can consider other force options. Application of CEWs in the drive stun mode shall be limited to defensive applications or to gain control of a subject who is exhibiting Aggressive Resistance or Assault if lesser attempts at control have been ineffective, or if the probe mode was ineffective.
- b. Officers shall not apply the CEW in drive stun mode as a pain compliance technique.
- c. CEWs shall not be intentionally applied in drive stun mode to the subject's head, neck, chest or groin, unless the use of deadly force is justified.

- d. When applying the CEW in drive stun mode, officers shall wait a reasonable amount of time between applications to assess effectiveness.
- e. Officers shall not deliver more than 15 total seconds of a CEW (including probe mode and drive-stun mode) to a person during a single incident unless deadly force is authorized and no other non-deadly force option is feasible.

6. ~~4~~-Holstering

The CEW shall be holstered on the officer's sworn MPD employee's weak (support) side to avoid the accidental drawing or firing of their firearm. ~~(SWAT members in tactical gear are exempt from this holstering requirement.)~~

7. Separate uses of force

Each deployment, application (in probe or drive stun mode) or additional cycle (five seconds) of a CEW is a separate use of force that officers must separately justify as objectively reasonable, necessary and proportional.

4. ~~Use during off-duty employment~~

~~a. Officers who use their MPD issued CEW during the scope of off-duty employment within the City shall follow MPD policy and procedure for reporting the use of force and downloading their device.~~

~~b. If officers carry their MPD issued CEW during the scope of off-duty employment outside of the City (e.g. working for another law enforcement agency) that agency shall sign a waiver (Letter of Agreement for Off Duty Employment) which indicates that certification through the Minneapolis Police Department is sufficient for use while working for that agency.~~

D. ~~3~~-**Loss or Damage**

Lost, damaged or inoperative CEWs shall be reported to the officer's supervisor and to the MPD Training Division CEW Coordinator immediately upon the discovery of the loss, damage or inoperative condition.

E. ~~5~~-**Downloading and Inventorying reporting**

1. ~~a~~-CEW downloading guidelines

~~a. i~~-The CEW shall be downloaded; when used in probe mode; ~~touch/contact~~ ~~stun mode~~ or drive-stun mode, prior to the end of the officer's shift.

~~b. ii~~-The CEW shall be downloaded for any incident that is recorded that the officer believes might have evidentiary value.

~~c. iii~~-If a CEW ~~was~~ is used during a critical incident, the CEW will be inventoried by the investigating agency for processing the device log and audit trail ~~video and firing data evidence.~~

~~b. CEW reporting guidelines:~~

- ~~i. When a CEW is discharged at or applied in touch/contact stun or drive-stun mode on a subject, the officer shall report its use in accordance with the Force Reporting requirements in P&P 5-303. Officers shall document de-escalation attempts in their Narrative Text.~~
- ~~ii. When a CEW is threatened by means of displaying, red dotting or arcing, the threatened use shall be reported in accordance with P&P 5-303.~~
- ~~iii. When a CEW is used during the scope of off-duty employment outside of the City (e.g. another law enforcement agency) officers shall obtain a Minneapolis CCN from MECC and complete a Police Report titled AOA and refer to the outside employer's incident report in the Narrative Text. Officers shall then download the device and store the information under the Minneapolis CCN.~~

2. Inventory cartridges

Officers shall inventory the deployed cartridges and probes (P&P 10-400).

F. 6. Post-exposure Treatment and Medical Aid

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 electricity from the CEW shall include the following:

1. Probe removal

- a. i. Request EMS response for probe removal if probes are located in sensitive areas
CEW probes shall only be removed by appropriate medical personnel if they are embedded in a sensitive area (face, neck, groin or breast areas).
- b. Officers may remove CEW probes only if all the following conditions are met, otherwise the probes shall be removed by appropriate medical personnel:
 - The officer has assessed the person and determined that there are no indications of lasting effects from the CEW use.
 - The officer is wearing protective gloves and has adequate medical equipment including bandages and alcohol wipes. ~~ii. Wear protective gloves and remove probes from the person's non-sensitive body areas.~~
 - The probes are removed in the presence of a second officer.
 - The officer has received training on at least an annual basis on the medical implications of CEW use, mechanisms to remove probes with limited pain, and infection control.
- c. ~~iii. Secure~~ If removing probes, officers shall secure the probes (biohazard "sharps") point down into the expended cartridge and seal with a safety cover.

2. Inspect application sites

- a. ~~iv.~~ When appropriate, officers shall visually inspect probe entry sites or drive-stun locations for signs of injury.
- b. ~~v.~~ When appropriate, officers shall photograph probe entry sites or drive-stun locations.

3. Continue monitoring

~~Sworn employees~~ Officers shall routinely monitor the medical condition of a person who has been exposed to the electricity from a CEW until they are released to medical or other law enforcement personnel.

G. Training and Certification Required

MPD officers may only be issued, carry and use CEWs if they have successfully completed approved annual training on CEWs, including a testing component, and are currently certified.

H. Specifications for CEWs

- 1. ~~1. Sworn MPD employees~~ Officers shall carry a CEW ~~CED~~ (if issued) while working in a uniform capacity.
[Moved from 3-204]
- 2. ~~b.~~ MPD officers are only authorized to carry CEWs that are issued by the department. Personally owned CEWs, 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.
[Moved from 1-b]
- 3. ~~2.~~ The CEW ~~CED~~ shall comply with the following requirements:
[Moved from 3-204]
 - a. Authorized Brand – TASER®
Authorized Model – X26
Authorized Ammunition – TASER® Brand compressed air cartridges (Department issued only)

Or

 - b. Authorized Brand - TASER®
Authorized Model - X2
Authorized Ammunition - TASER® Brand compressed air smart cartridges (Department issued only)

5-310

I. Control Option- Impact Weapons

(xx/xx/24)

Revisions to prior policies: (08/17/07) (10/01/10) (09/08/20) (12/22/20) (04/04/21)

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 authorized impact weapons and improvised impact weapons.

II. Definitions

Terms defined in P&P 5-304:

- Carry
- Use

III. Policy

A. Impact Weapons as Intermediate Weapons

1. MPD approved impact weapons (P&P 3-200) are intermediate weapons considered less-lethal, but can be lethal in certain circumstances weapons, and may be used as impact weapons:

B. Civil Disturbances and Assemblies

Impact weapons shall only be used during civil disturbances and assemblies when authorized in accordance with P&P 7-805.

C. Conditions for Use

1. Objectively reasonable, necessary and proportional

Impact weapons 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 impact weapons, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Imminent harm

Impact weapon strikes shall only be used to protect the officer, the subject, or another party from objectively imminent physical harm.

3. Target areas

Officers shall not intentionally use an impact weapon to strike a person's head, neck, throat, face, armpit, spine, kidneys, or groin unless deadly force would be justified.

2. Strikes from impact weapons shall not be delivered to persons who are Compliant or are Passively Resisting as defined by policy (P&P 5-301).

- a. ~~On subjects who are exhibiting Aggressive Resistance or Assault, or;~~
- b. ~~For life saving purposes, or;~~
- c. ~~On subjects who are Actively Resisting if lesser attempts at control have been or would likely be ineffective (in accordance with section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).~~

D. Treatment and Medical Aid

- 1. ~~3-~~In addition to standard medical treatment after use of force (in accordance with P&P 5-301), treatment for a person that has been struck with an impact weapon shall include visually inspecting the areas struck for signs of injury, when appropriate.
- 2. ~~4. Sworn employees-Officers~~ shall routinely monitor the medical condition of a person that has been struck with an impact weapon until they are released to medical or other law enforcement personnel.

E. Specifications for Batons

[Moved from 3-204]

- 1. ~~1. Every officer-sworn MPD employee, whose job assignment would reasonably require them to respond to 911 calls or initiate calls for service, shall carry an impact weapon while working in uniform unless issued a CEW-CED. Impact weapons are optional for employees carrying issued a CEW-CED.~~
- 2. ~~2-~~The impact weapon shall comply with the following requirements:
 - a. Authorized Brands – ASP or Monadnock.
 - b. Overall extended length not to exceed 26 inches.
 - c. Black or Chrome finish.

F. Specifications for Riot Sticks

[Moved from 3-204]

- 1. ~~1. Every officer-sworn MPD employee, while working in a uniformed capacity, shall keep a riot stick readily available in their possession (and readily available, e.g. i.e. in the squad) a riot stick for response to civil disturbances when needed.~~
- 2. ~~2. Employees-Officers~~ shall only carry the riot stick issued to them by the MPD.

5-311 J. Control Option- Canines

(xx/xx/24)

Revisions to prior policies: (09/08/20) (01/01/23)

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 canines.

II. Definitions

Apprehension: When a police canine physically engages a suspect in an effort to take them into custody.

III. Policy

A. Conditions for Use

1. Objectively reasonable, necessary and proportional

Canine apprehensions 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 canine apprehensions, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Deploying canines

~~1-~~ Canines shall only be deployed in accordance with P&P 7-807 Authorized Use of Canines.

B. Disengaging

~~2-~~ When canines are used for apprehensions, handlers shall disengage their canines as soon as reasonably possible after the subject is able to be controlled or secured.

C. Treatment and Medical Aid

~~1.~~ ~~3-~~ Officers are responsible for ensuring any person injured by an MPD canine receives medical treatment as soon as reasonably possible (P&P 5-301 and P&P 7-350).

~~2.~~ ~~a-~~ Officers shall request an ambulance to the scene whenever a person is apprehended by a canine.

D. Notifications

~~1.~~ ~~4-~~ The canine handler shall notify the Canine Sergeants immediately after any canine apprehension or accidental bite.

~~2.~~ ~~a-~~ Officers will be debriefed by Canine unit supervisors and trainers as soon as possible following notification.

- ~~3.~~ ~~b.~~ If a Canine Sergeant is not available, another MPD sergeant may be asked to do the force review (in accordance with P&P 5-303).

E. Documentation

The following steps are in addition to the documentation requirements in P&P 5-302 and P&P 5-303:

- ~~1.~~ ~~5.~~ Canine handlers shall photograph all injuries and ensure the images are uploaded in accordance with P&P 10-400.
- ~~2.~~ ~~6.~~ Upon notification of a bite or apprehension, a Canine Sergeant shall complete the K-9 Unit Apprehension Review form (MP-9090) and will send it electronically to the members of the review panel.

5-312 L. Control Option- Firearms

(xx/xx/24)

Revisions to prior policies: (10/16/02) (08/17/07) (04/30/15) (04/05/16) (09/08/20) (12/22/20) (04/04/21) (01/01/23)

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. 1. Firearm discharges when authorized Authorized firearm discharges

An MPD ~~sworn employee~~ 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 Use of Force policy (P&P 5-301), and with a high degree of restraint. ~~Firearm use shall never be considered routine and is permissible only when alternative means do not work, would not work or are too unsafe to try (in accordance with the section in P&P 5-301 on Objectively Reasonable Force Consistent with Policy, Law and Training).~~
- 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. 2. Firearm discharges when prohibited Prohibited firearm discharges

Officers shall not discharge firearms under the following conditions:

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

4. 3. 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

- ~~•~~ • ~~i-~~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~~ The officer reasonably believes there are no other reasonable means available to avert the imminent threat.

ii. Ramming attack

~~ii-~~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, ~~or~~

iii. Officer stuck in path of vehicle

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

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

ab. ~~aa.~~ 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. ~~ab.~~ Being in the path of a moving vehicle shall not be the sole reason for discharging a firearm at the vehicle or any occupant. 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

~~b. This~~ These prohibitions includes attempting to disable the vehicle by discharging a firearm at the vehicle ~~it.~~

d. ~~e.~~ Considerations in ~~this~~ 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 ~~persons~~, 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 persons, 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. ~~4. Drawing and displaying~~ 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. ~~An officer's decision to draw or display a firearm will be based on the tactical situation and the officer's reasonable belief that lethal force is necessary, or that there are indicators of a substantial risk the situation may escalate to the point where lethal force may be necessary.~~
- 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. ~~5.~~ Notification of Firearm Discharges

1. a. ~~Employee-Officer~~ responsibility

Any officer employee 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:**

- ~~While at an established target range;~~
- ~~While conducting authorized ballistics tests;~~
- ~~When engaged in legally recognized activities while off-duty.~~
- During training, testing or legal recreation purposes.

2. ~~b.~~ Supervisor responsibility

- a. ~~i.~~ The supervisor shall respond to any scene in which an officer-employee has discharged a firearm while on-duty or in the course of duty.
- b. ~~ii.~~ The supervisor is responsible for notifying the Watch Commander and when appropriate, the officer's-employee'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. ~~iii.~~ Notifications to the Internal Affairs unit shall be made in accordance with the Duty to Report policy (P&P 2-101).
- d. ~~iv.~~ The advised supervisor shall ensure that drug and alcohol testing is conducted in accordance with P&P 3-1000 Drug and Alcohol Testing.
- e. ~~v.~~ 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. 6. ~~Written report on discharge of firearms~~ Required Written Reports

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

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 chemical munitions.

II. Definitions

40mm Round: The 40mm round is a direct fire round used in situations where maximum deliverable energy is desired for the incapacitation of a subject.

Chemical Munitions: Munitions designed to deliver chemical agents from a launcher or be propelled by hand.

Terms defined in P&P 5-304:

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

III. Policy

A. 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.

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

Chemical munitions 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 chemical munitions, officers must continually assess the situation and modulate their use of force accordingly as the level of resistance changes.

2. Authorization

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

- a. For life-saving purposes.

- b. When the use of 40mm rounds containing OC or CS is approved by a SWAT supervisor for an occupant of a vehicle who is armed with a firearm or reasonably believed to be armed with a firearm and refuses to exit the vehicle following a lawful command to do so (P&P 5-307).
- c. When approved by the Deputy Chief of Patrol or higher.

3. Method of use

The chemical munition may be used 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 agents to an area.
 - c. Directed at a subject when the chemical munitions are 40mm rounds containing OC or CS and are used in accordance with P&P 5-307.
- ### 4. Consider risks and other means of control

Prior to using chemical munitions, officers 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 subject could be controlled by any other reasonable means without unnecessary risk to the subject, officers, or to the public.

C. Treatment and Medical Aid

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 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).
2. Officers shall keep a person exposed to the chemical agent under close observation until they are released to medical or other law enforcement personnel.
3. An officer transferring custody of a person exposed shall inform the entity accepting custody that the person was exposed to a chemical agent.

D. Only for Use by SWAT

Chemical munitions shall only be used by trained Special Weapons and Tactics (SWAT) personnel on the orders of the on-duty Watch Commander or SWAT Commander. (08/16/07)

E. 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.

F. Canister Removal

After the scene is secured, SWAT team members shall remove and dispose of any canisters in the area. ~~(8/16/07)~~

G. Documentation

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

H. Training Required

Chemical munitions shall only be used by officers who have successfully completed approved training.

I. Specifications for Chemical Munitions

MPD officers are only authorized to use chemical munitions that are issued by the department.

5-314 ~~5-503~~ **Control Option- Flash Sound Diversionary/Distracti ~~on~~ **Devices** (10/16/02) ~~(08/16/07)~~ ~~(xx/xx/24)~~**

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 flash sound diversionary devices.

II. Definitions

Flash Sound Diversionary Device (FSDD): A flash sound diversionary device, also called a “flash-bang” device, produces a loud bang with a brilliant light that intended to cause confusion and distraction to provide a tactical team with a few seconds of advantage.

Terms defined in P&P 5-304:

- Carry
- Use

III. Policy

A. Civil Disturbances and Assemblies

In accordance with P&P 7-805, FSDDs shall not be used for crowd control, crowd containment, or crowd dispersal.

B. Conditions for Use

1. Objectively reasonable, necessary and proportional

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

2. Authorization and supervision

- a. FSDDs shall ~~Diversionary/Distractive~~ devices will only be distributed by and used under the authority of the SWAT Commander or designee, who will make a decision about the use of such a device on a case-by-case basis.
- b. The SWAT Commander or their designee shall distribute and supervise the use of the devices. (08/16/07)

C. Extinguisher Available

When the device is used, one member of the entry team shall carry a dry chemical extinguisher for use in the event of a fire.

D. Treatment and Medical Aid

Officers shall provide any necessary medical treatment in accordance with P&P 5-301 and P&P 7-350.

E. Documentation

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

F. Training Required

1. Only personnel trained in the use of these devices shall deploy them.
2. Department approved training shall include the nomenclature, mechanical operation, and tactical deployment of FSDDs ~~Diversionary/Distractive~~ devices.

3. All members of SWAT shall also be trained by the Minneapolis Fire Department in the use of dry chemical fire extinguishers. Emphasis will be placed upon safety considerations and ~~measures~~ to be utilized when using these tools. ~~(08/16/07)~~

G. Specifications for FSDDs

MPD officers are only authorized to use FSDDs that are issued by the department.
~~Diversionary/distracton devices shall be MPD approved.~~

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