



Minneapolis Police Department Policy and Procedure Manual

Number:
5-300

Volume Five – Code of Conduct and Use of Force

Use of Force

5-312 Control Option- Firearms

(xx/xx/23)

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I. Purpose

The purpose of this policy is to expand on the requirements of other force policies, specifically related to firearms.

II. Definitions

Terms defined in P&P 5-304:

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

III. Policy

A. Policy and Guiding Principles

In addition to the specifications in this policy, employees shall follow the requirements of all other applicable policies, including but not limited to, the Guiding Principles and other standards in P&P 5-301.

B. Consistent With Policy and Training

Officers shall only use firearms in a non-discriminatory manner, and only when such force is objectively reasonable and consistent with current MPD training and MPD policies governing the use of force (including all sections in P&P 5-300).

C. Conditions for Use

1. Firearm discharges- when authorized

An MPD sworn employee may lawfully discharge a firearm in accordance with policy in the following circumstances:

- a. In deadly force situations, in strict compliance with the 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.

2. Firearm discharges- when prohibited

Officers shall not discharge firearms under the following conditions:

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

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

ii. Ramming attack

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

iii. Officer stuck in path of vehicle

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

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

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

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

b. From a moving vehicle

Firearms shall not be discharged from a moving vehicle unless:

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

c. Attempts to disable the vehicle

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

d. Considerations in these prohibitions:

- i. A vehicle may be occupied by additional passengers and it may not be readily apparent how many occupants are in the vehicle.
- ii. Bullets discharged at moving motor vehicles are extremely unlikely to immediately cease the movement of the vehicle or successfully disable it.

- iii. Bullets discharged at or from moving motor vehicles have a higher probability of missing the intended target or ricocheting and possibly injuring officers or other innocent people, including passengers in the vehicle.
 - iv. Bullets discharged at moving motor vehicles may disable or disorient the driver, causing the vehicle to crash and possibly injuring officers or other innocent people, including passengers in the vehicle.
 - v. Such risks, in most cases, weigh against discharging a firearm at or from a moving vehicle.
4. 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.

5. Displaying or pointing a firearm
 - a. Because firearms are a type of lethal or deadly force, officers shall only display or point a firearm if they reasonably believe that the situation may escalate to create an imminent threat of death or great bodily harm to the officer or another person.
 - b. Unnecessarily or prematurely drawing or displaying a firearm may limit an officer's alternatives in controlling a situation and may inhibit or limit communication between the officer and the subject.

D. Carry a Less-Lethal Weapon

While on-duty or while engaged in off-duty work, uniformed officers required to carry a firearm shall carry on their person at least one less-lethal weapon (P&P 5-301 and P&P 5-301).

E. Treatment and Medical Aid

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

F. Notification of Firearm Discharges

1. Employee responsibility

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

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

G. Required Written Reports

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