

246.02 Authorized Force Tools, Description, Training Requirements, Uses and Considerations

- I. TRAINING REQUIREMENTS
- II. PRESENCE & VERBAL COMMUNICATION
- III. RESTRAINTS
- IV. EMPTY HAND TACTICS
- V. AEROSOL SUBJECT RESTRAINT/ AERKO FREEZE + P
- VI. ELECTRONIC CONTROL DEVICE
- VII. BATON/IMPACT TOOLS
- VIII. LESS LETHAL IMPACT MUNITIONS (LLIMs)
- IX. PEPPERBALL
- X. CANINE
- XI. CHOKEHOLDS AND STRANGLEHOLDS – NOT AUTHORIZED
- XII. FIREARMS

I. TRAINING REQUIREMENTS

Officers will receive initial and continued training and instruction (and, where necessary, must qualify for certification and recertification) regarding the appropriate use of any response to resistance or aggression authorized by this department. This policy supersedes any and all previous policies and training related to response to resistance or aggression and the use of force.

The department will train officers on approved responses to resistance or aggression quarterly. Academy instruction and in-service training will include, but not be limited to, a review of department policies and laws regarding responses to resistance or aggression and any changes to applicable laws, regulations, policies, practices, procedures, or techniques. Officers will also receive training on de-escalation principles and skills, their duty to intervene, the sanctity of life, prompt rendering of first aid, and simulated actual shooting situations. Annual training will be scheduled according to department requirements. Officers are only authorized to use currently trained or authorized techniques and tools as designated by the training unit.

With minimal exception in exigent circumstances, only department-approved tools and techniques may be used. The training unit is responsible to maintain documentation of department-authorized tools and techniques. Uniformed officers will only carry department-authorized tools and equipment as required by these General Orders.

All officers, regardless of rank, will participate fully in training and put forth effort. If an officer has an injury or disability that would prevent them from training, they will be required to supply police human resources with documentation of the injury or disability prior to any training.

It is the responsibility of any officer who misses required training due to injury or disability, or leave, including sick, medical, or other leave of absence, to make arrangements with training staff to receive the training missed prior to resuming duty. Failure to do so may result in

discipline. Supervisors will ensure that officers under their supervision complete the minimum training required by the department and these General Orders.

If an employee fails to demonstrate proficiency during training, the training unit will contact the employee and the employee's supervisor as soon as practical to formulate a remedial training program.

The following are authorized techniques and tools that may be used when objectively reasonable and otherwise permitted under this policy and General Order 246.00. Specialized units may have additional tools that are not covered in this policy.

II. PRESENCE & VERBAL COMMUNICATION:

Level of Control:

1. Low-Level Force

Approved Use:

1. Officers will, when and to the extent reasonably possible, attempt to use verbal communication to resolve an encounter.

III. RESTRAINTS

Level of Control:

1. Low-Level Force – Handcuffs, Flexible Handcuffs, EZ Leg Restraints.

State Law

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from:
 - a. Tying all of a person's limbs together behind a person's back to render the person immobile, or
 - b. Securing a person in any way that results in transporting the person face down in a vehicle.

Description:

1. Officers use restraints for the protection of subjects, third parties, and themselves. Appropriate restraint prevents individuals from damaging property, and more importantly, from injuring themselves or others.
2. Officers will only use department-authorized or approved handcuffs and leg restraints, disposable plastic/fabric restraints, hospital-style leather or fabric human restraints, and equipment specifically designed to secure the legs of a subject.

General Order

Certification/Training Requirements:

1. Entry level training is taught during academy.
2. Included in Annual Defensive Skills Training.

Inspection Requirement:

1. Handcuffs will be maintained in clean and working order.
2. District Administration Sergeants will equip the district squad cars with one approved leg restraint and will be a part of their quarterly inventory duties.

Handcuffing Procedure:

Approved Use:

1. This tool may only be used according to department policy and training.
2. In an attempt to minimize the risk of injury to officers and others during arrest situations, officers will handcuff all persons arrested as soon as reasonably possible.

3. Officers may handcuff an individual during investigative detentions (“Terry Stops”) where one or more of the following factors are present:
 - a. Articulate facts that the subject is physically uncooperative
 - b. Articulate facts that a subject’s actions at the scene may present physical danger to themselves or others if not restrained
 - c. Reasonable probability of flight based on the action of the subject;
 - d. Information that the subject is currently armed
 - e. The stop closely follows a violent crime and the subject matches specific parts of a description
 - f. When there are articulable facts that a crime of violence is about to occur
 - g. Care and discretion should be used when the subject is at extremes of age (elderly and young children) or physically disabled
 - h. The authority to handcuff during investigatory stops continues only as long as the circumstances above exist
4. Suicidal persons may be restrained if they are a danger to themselves or others.
5. During a search warrant service:
 - a. At a private residence as reasonably necessary to execute the warrant in safety
 - b. 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
 - c. Circumstances that justify initial handcuffing may change and eliminate continued justification
6. Persons being transported to detoxification facilities may be handcuffed for safety.
7. Handcuffs should only be removed once the subject is in a secure area and escape and non-compliance is no longer a concern.
8. Whenever possible, for added security, restrained subjects should be seat belted in the rear of a squad car after handcuffing and before transport.

(See General Order 409.06: Transportation of Prisoners and Victims)

Disapproved Use:

1. If officers know or reasonably believe that medical circumstances make it unreasonable to handcuff an individual, officers should refrain from handcuffing.
2. When responding to a security office where a subject has already been placed in handcuffs prior to arriving to the scene, officers shall not place SPPD handcuffs on the subject until they have reasonable suspicion for detention or probable cause for arrest based on their independent investigation and findings.

Tactical Considerations:

1. Officers will check handcuffs for tightness and double lock handcuffs as soon as it is safe to do so prior to transport.
2. When a handcuffed subject first complains that handcuffs are too tight and/or are hurting the subject, the officer having custody of the handcuffed person will, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. If they are too tight, they will be loosened and double locked.

EZ Leg Restraint Procedure:

Deployment Requirements:

1. This tool may only be used according to department policy and training.
2. Only officers who have received department approved training on the EZ Leg Restraint are authorized in its use.
3. When practical, officers should notify a supervisor of their intent to apply the EZ leg Restraint. In all incidents, supervisors must be notified as soon as practical after the application of the leg restraint.
4. Prior to applying the leg restraint, the subject should first be secured in handcuffs.
5. At NO time should the carabiner or the lead of the harness be connected to a suspect's handcuffs or belt.
6. After the application, subjects will have limited ability to move, maintain their balance, or stop themselves from falling. Officers are responsible to control the subject in a manner to prevent an accidental fall.
7. When secured in a squad car, the subject should be placed in a seated or upright position, secured with a seat belt, and closely monitored. Subjects must not be placed on their stomach for an extended period as this could reduce the person's ability to breathe.
8. The officers deploying the EZ Leg Restraint must ensure the subject is monitored during the entire time they are restrained by the device. The officer should look for signs of labored breathing and medical distress. When practical the officer should take appropriate steps to relieve and minimize the factors contributing to this condition.
9. Summon medical attention when a subject is injured and/or complains of injury.
10. When the subject exhibits the signs and symptoms of excited delirium such as extreme agitation, irrational behavior accompanied by profuse sweating. These subjects also tend to have extraordinary strength and a high pain tolerance. These subjects may have an increased risk of sudden death when involved in a protracted struggle with law enforcement and should be examined by fire medical as soon as possible. Any individual exhibiting signs of distress after such an encounter must be medically cleared prior to booking.

Approved Use:

When officers reasonably believe that a higher level of restraint is required beyond handcuffing:

1. To protect the subject from self-injurious behavior
 - a. Ex. The subject is hitting their head against the interior of the squad car or other objects or attempts to run away in handcuffs.
2. To protect the officers from harm
 - a. Ex. The subject continues to attempt to hit, kick, or use other physical force to prevent detention.
3. To prevent destruction of property
 - a. Ex. The subject attempts to damage interior of squad car by kicking doors, windows, etc.

Disapproved Use:

1. If officers know or reasonably believe that medical circumstances make it unreasonable to place an individual in leg restraints, officers should refrain from using the device.
2. The EZ leg restraint should not be used in the following circumstance unless there are compelling reasons to do so that can be clearly articulated.
 - a. When the subject is at extremes of age (elderly and young children) or physically disabled,
 - b. When officers reasonable believe the subject is pregnant,
 - c. When the subject appears to be in a behavioral health crisis and requires a higher level of restraint to prevent injuries to themselves or others. The subject must be transported by SPFD ambulance and restrained by appropriate personnel on a gurney unless situations reasonably dictate otherwise.

Tactical Considerations:

1. When practical, officers should bring the transport vehicle in close proximity to where the subject is restrained.
2. Officers should make a reasonable attempt to avoid having a subject in leg restraints walk long distances or navigate challenging terrain (stairs, unstable surfaces, etc.).
3. After application, if the subject needs to be carried, a minimum of two officers is preferred. At no time should the EZ Leg Restraint be used to carry the person.
4. Officers should avoid carrying subjects face down to mitigate the chance of injury to the subject from an unintended fall.
5. Officers should continue to attempt to de-escalation the situation even when using the EZ Leg Restraint.

Documentation Requirements:

1. Any incident where a subject is injured or complains of injury is a reportable use of force.
2. Any application of the EZ Leg Restraint will require proper documentation. In addition to documenting all required use of force related information per department policy, the officer should include the following in their police report:
 - a. The amount of time the subject was in the EZ Leg Restraint.
 - b. Observations of the subject's physical and physiological actions and or medical problems.
3. In rare circumstances the EZ Leg Restraint may become a bio-hazard concern. In this situation while using universal safety precautions it should be taken to HQ, placed in one of the supplied red bio-hazard bags, and put in the uniforms bio-hazard collection can. This should be noted in the officer's report.

Approved Use:

The preferred transportation method for all subjects requiring leg restraint is by SPFD ambulance. In the rare circumstance where this is not possible and leg restraint is necessary the following procedure will be followed:

1. If practicable, officers should notify a supervisor of their intent to apply a leg restraint.
2. In all cases, a supervisor must be notified as soon as possible after the application of the leg restraint device.
3. Only leg restraint devices approved by the department may be used.
4. Once secured, the subject should be placed in a seated or upright position, secured with a seat belt, closely monitored, and must not be placed on his/her stomach for an extended period as this could reduce the person's ability to breathe.
5. The leg restraint device must not be attached in any way to the subject's handcuffs.
6. Officers must monitor restrained subjects and should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

Disapproved Use:

Suspects or persons who appear to be mentally or emotionally impaired and who must be totally restrained must be transported by SPFD ambulance and restrained by appropriate personnel on a gurney unless situations reasonably dictate otherwise.

Additional Considerations:

1. Summon medical attention when a subject is injured and/or complains of injury.
2. Any incident where a subject is injured or complains of injury is a reportable use of force.

IV. EMPTY HAND TACTICS:

Level of Control:

1. Low-Level Force – Soft empty hand tactics, escorts, takedowns less likely to cause injury, including controlled takedowns.
2. Intermediate Force – Hard empty hand tactics, strikes, knees, kicks, takedowns that are likely to cause potential injury,
3. Deadly Force – takedowns, strikes, kicks that are done in a manner likely to cause great bodily harm.

Certification/Training Requirements:

1. Entry level training is taught during academy.
2. Included in Defensive Skills Training.

Approved Use:

1. These tactics may only be used according to department policy and training.
2. Officers should only use tactics appropriate to the situation and that have been authorized by department RRA tactics instructors.
3. Officers may only use hard empty hand tactics as authorized and trained by the department. Hard empty hand tactics must be limited to only the level of force that is reasonable in the context of the encounter and as authorized by the department RRA tactics instructors. The use must be objectively reasonable under the totality of the circumstances.

Disapproved Use:

1. Strikes and kicks, are not authorized against individuals who are not physically aggressive or who pose no imminent threat of harm to the officer or others.
2. Strikes, kicks and takedowns likely to cause injury are not authorized to be used on nonviolent, nonthreatening misdemeanant who is not actively resisting arrest or attempting to flee.

Additional Considerations:

1. Summon medical attention in any incident where an individual is injured or complains of injury.
2. Any hard-empty hand tactics is a reportable use of force.

V. AEROSOL SUBJECT RESTRAINT (ASR) / AERKO FREEZE + P:

Level of Control:

1. Low-level Force (active resistance)

Description:

1. Aerko Freeze +P is a non-lethal agent containing an OC/CS blend that causes inflammation of the skin and mucus membranes of a subject. The intended effects are temporary and are used to control or restrain an actively resisting person.
2. All sworn police personnel the rank of commander and below must be certified and carry Aerko Freeze + P spray when in an approved department uniform.
3. Plain clothes officers are required to carry ASR spray, an ECD, or a baton, unless otherwise approved by their commander.

NOTE: SWAT and MFF personnel are exempt from these provisions during tactical operations and will follow their own training and authorized procedures.

Certification/POST Requirements:

1. Entry level training is taught during academy.
2. Included in Defensive Skills Training.

Inspection Requirement:

1. Aerko Freeze + P spray expiration date and serviceability will be checked.
2. If the container is damaged, malfunctions, nears empty, or the date on the canister is illegible or expired, a new canister will be issued to the officer from the central supply room with the original being turned in.
3. Should an officer lose an ASR, details of the loss should be documented in a written report and signed by a supervisor.

Deployment Requirement:

1. When deploying, an officer will, if practical, announce a warning to the subject and other officers of their intent to deploy ASR if the subject does not comply with

- commands. Example, “Do what I am telling you to do, or I will spray you with pepper spray.”
2. Officers must give the subject a reasonable opportunity to voluntarily comply when safe to do so.

Approved Use:

1. ASR may only be used according to department policy and training.
2. ASR may be used when a subject is engaging in or displays the intent to engage in active resistant behavior.
3. ASR may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or citizens.
4. ASR may only be used to address a group in a protest or demonstration situation when authorized by an incident commander or if there are circumstances where immediate dispersal is needed to protect officers, the group, or others from imminent harm. This provision does not apply to Mobile Field Force operations, which are subject to the regulations established by the Special Operations Unit Senior Commander pursuant to General Order 438.19.

Disapproved Use:

1. ASR may not be used on passive resistant individuals.
2. ASR may not be used other than as an aerosol/stream.
3. ASR may not be used on a handcuffed subject unless the subject is displaying Aggressive Resistance.

Tactical Considerations:

1. Whenever possible, ASR should be used upwind and relatively close to the subject.
2. High capacity ASR spray may be used as an intermediate level of control; however, officers should consider the effect the device will have on subjects and others in the general area due to the volume of agent dispersed.
3. ASR may not be used on a subject inside a closed vehicle (this provision does not apply to an officer attempting to secure an aggressive resistant subject in a patrol vehicle).
4. ASR is not intended to be used to force extraction from an enclosed area.

Additional Considerations:

1. Call for medical attention in any incident where a subject is injured or complains of injury beyond expected effects.
2. Begin the decontamination process as soon as it is safe and reasonable to do so.
3. For the purposes of monitoring, an officer must remain with an exposed person from the time of exposure through decontamination.
4. Notify a supervisor when ASR Spray has been used.
5. Inform detention personnel when a subject has been exposed to ASR Spray and ensure they have been screened by the detention facility medical staff.
6. The use of ASR Spray on a subject is a reportable use of force. Officers must document the decontamination process in their use-of-force report.

7. The department allows certain classifications of civilian employees to carry chemical aerosol spray while on duty. Civilian employees have no power of arrest and therefore may only use force consistent with Minnesota law on self-defense or defense of others. When ASR Spray is used by a civilian member of the department, a patrol officer and supervisor will respond to the scene to assist with enforcement action.

VI. ELECTRONIC CONTROL DEVICE (ECD)

Level of Control:

1. Intermediate Force

Description:

1. Minnesota Statutes section 624.731 authorizes peace officers to use Electronic Control Devices.
2. The ECD is a Neuro-Muscular Incapacitation (NMI) device that disrupts the body's ability to communicate messages from the brain to the muscles thereby causing temporary NMI.
3. An air cartridge is a replaceable ECD cartridge that uses compressed nitrogen to fire two barbed probes on thin connecting wires, sending a high voltage/low current signal.

Certification/POST Requirements:

1. Entry level Training is taught during academy.
2. RRA Tactics instructors who have been certified as ECD instructors are the only individuals authorized to instruct on the ECD.
3. Officers authorized to use an ECD must successfully complete an initial six-hour certification course, to include written and practical tests.
4. Once certified, all officers must annually attend recertification training taught by the department training staff.
5. If an employee fails to demonstrate proficiency at any time, the employee and/or the employee's supervisor will contact the training unit for assistance in formulating a remedial training program.

Inspection Requirement:

1. Officers will only use authorized ECD equipment issued by the SPPD. The ECD will be inspected for damage and cleanliness, and batteries and cartridges replaced by the officer when required. The ECD will be inspected and maintained in accordance with training protocols. When not being carried, ECDs must be stored and secured in a climate-controlled area (i.e. locker), not in a vehicle.
2. Officers should conduct a spark check, outside the public view, at the beginning of shift to ensure the ECD will function properly. This spark check does not require completion of a use-of-force report.
3. Uniformed officers will carry the ECD in a department-approved holster. The holster will be carried on the duty belt, on the side opposite the duty firearm.

Cross-draw position is optional. Plain clothes officers who are issued an ECD will carry the device on their weak side. Officers have the option of carrying the standard DPM or the X-DPM.

4. The training unit staff will maintain an inventory of all department-issued ECDs, including an accurate record of the location of the weapon and maintenance history.

Deployment Requirement:

1. When displaying an ECD, officers will give a warning, when practical, to the subject and other officers before firing the ECD. Example: "Do what I am telling you to do or I will Tase you and it will hurt."
2. Officers must give the subject a reasonable opportunity to voluntarily comply when safe to do so.

Note: Officers should be aware of the higher risk of sudden death that may exist in subjects under the influence of illicit drugs and/or exhibiting symptoms associated with excited delirium. In addition, once a subject has received an ECD application; officers should be aware of the potential for impaired breathing during restraint procedures. If the subject is thought to be experiencing impaired breathing, they should be placed on their side to reduce the risk of aspiration and medical attention should be summoned. Severely impaired breathing could result in death.

Approved Use:

An ECD may only be used to mitigate the threat of imminent physical harm presented by an aggressive or aggravated aggressive subject. In addition to this general requirement, ECD may only be used on a person officers know or reasonably believe to be mentally or emotionally impaired if the individual is:

1. A threat to an officer's or another individual's safety, or
2. A significant and at least proportional threat to themselves.

Disapproved Use:

1. Officers are not authorized to draw or display the ECD except for training and inspection, unless the circumstances create a reasonable belief that use may be necessary.
2. The intentional use of more than one ECD simultaneously on the same subject is prohibited without reasonable justification.
3. The ECD will not be used:
 - a. When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;
 - b. When the subject is in a position where a fall may result in serious bodily harm or death;
 - c. Punitively for purposes of coercion or in an unjustified manner;
 - d. To escort or jab individuals;
 - e. To awaken unconscious or intoxicated individuals;

- f. When officers know or reasonably believe the subject is pregnant, unless deadly force is the only other option;
 - g. When a subject displays solely Passive or Active Resistance (e.g., peaceful protest, refusal to stand, non-aggressive verbal resistance, etc.);
 - h. When a subject is fleeing as the sole justification for use of the ECD. This does not prohibit use of an ECD on a subject who is aggressive or aggravated aggressive who is also attempting to flee.
4. The ECD should not be used in the following circumstances unless there are compelling reasons to do so that can be clearly articulated:
- a. When the subject is in handcuffs or waist restraints;
 - b. When the subject is in control of a motor vehicle;
 - c. When the subject is holding a firearm, unless there is an additional officer providing lethal cover;
 - d. When the subject is at the extremes of age (elderly and young children), physically disabled, or is a low body mass person;
 - e. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and others as necessary.

Tactical Considerations:

1. There are three types of reportable ECD applications:
 - a. Spark Display - A non-contact demonstration of the ECD's ability to discharge electricity.
 - b. Drive Stun - A pain compliance application of the ECD without a cartridge intended to gain compliance of a subject or used to complete a circuit by making direct contact with the body after the air cartridge has been expended or removed.
 - c. Probe Mode - When the ECD cartridge is fired at a subject with the intent that the subject will be temporarily immobilized for the period of time the ECD is cycled. Proper application will result in temporary immobilization of the subject and provide the officer a "window of opportunity" in which to take the subject safely into custody.
2. Officers should target an individual's back for ECD application when practical. For a frontal application, a reasonable effort should be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the ECD probes to a precise target area.
3. When deploying an ECD:
 - a. Initial use of the ECD will be a standard five-second cycle. The officer must then evaluate the need to apply a second five-second cycle after providing the subject a reasonable opportunity to comply. Each subsequent five-second cycle requires separate justification based on the objectively reasonable standard of *Graham v. Connor*, 490 U.S. 386 (1989).
 - b. Once the subject has been exposed to three cycles, ECD will be deemed ineffective and another use-of-force option must be considered, unless exigent circumstances exist.

- c. Officers should begin control and restraint procedures, including cuffing under power, as soon as it is reasonably safe and practical to do so in order to minimize the total duration of ECD exposure. The device user, and those assisting the user, should avoid touching the probes, wires, and the areas between the probes to avoid accidental shock during the electrical discharge.
- d. The use of the “drive stun” mode should only be used to supplement Probe Mode to complete the Neuro-Muscular Incapacitation (NMI) effect. The ECD “drive stun” mode requires the same level of justification and reporting as probe deployment.

Additional Considerations:

1. Summon medical attention in any incident where a person is injured or complains of injury, or when there has been probe impact.
2. Notify a supervisor when ECD has been used (Spark Display, Probe or Drive Stun).
3. Inform detention personnel when an ECD has been used on the subject (Probe or Drive Stun) and ensure the individual is screened by the detention facility medical staff.
4. Any use of ECD on a subject is a reportable use of force, with the only exception being a spark check out of public view. Note: Any accidental discharge of an ECD other than at a subject will be documented on an officer’s report.
5. If the subject is thought to be experiencing impaired breathing, they should be placed on their side to reduce the risk of aspiration.

VII. RIGID & EXPANDABLE BATON/ IMPACT TOOLS:

Level of Control:

1. Low-Level Force - when used as an escort tool.
2. Intermediate Force - when used for jabbing or striking.
3. Deadly Force - striking subjects on the head, neck, sternum, spine, or groin.

Description:

1. A baton is a department-authorized expandable straight baton or rigid baton.
2. All sworn police personnel holding the rank of commander and below must be certified and carry the baton when in an approved department uniform.
3. Plain clothes officers are required to carry ASR spray, an ECD, or a baton.

Certification/Training Requirements:

1. Entry level training is taught during academy.
2. All officers must complete the following requirements:
 - a. Initial baton training in the academy; or
 - b. A minimum of four (4) hours of baton training by a certified SPPD RRA Tactics Instructor.
3. Included in Defensive Skills Training.

Inspection Requirement:

1. Batons will be maintained in clean and working order.

2. Should an officer damage or lose a baton, details of the loss should be documented in a written report and signed by a supervisor.
3. Officers may only purchase and carry a replacement baton that is authorized by the department.

Deployment Requirement:

1. Before using a baton, an officer will, if practical, announce a warning to the subject and other officers of their intent to use a baton/impact tool if the subject does not comply with commands. Example, "Do what I am telling you to do, or I will strike you with my baton."
2. Officers must give the subject a reasonable opportunity to voluntarily comply.

Approved Use:

1. This tool may only be used according to department policy and training.
2. Blocking, jabbing, to apply control holds, or passive/active escort techniques.

Disapproved Use:

1. Batons are not authorized to be used as impact weapons with individuals who are not physically aggressive or who pose no imminent threat of harm to the officer or others.
2. During non-deadly force incidents, officers will use reasonable care to avoid striking subjects on the head, neck, sternum, spine, groin, or kidneys, as these strikes may constitute deadly force.
3. Officers should not strike the abdomen of a woman that they know or reasonably believe is pregnant.
4. Officers should not use their firearm as an impact tool in non-deadly force incidents due to the possibility of an unintentional discharge.
5. Officers must be able to articulate a compelling need to use any other device or object other than an authorized baton as an impact tool.

Additional Considerations:

1. Call for medical attention on all strikes with a Baton/Impact tool and any incident where a subject is injured or complains of injury.
2. Notify a supervisor when a Baton/Impact tool has been used.
3. All strikes or any incident where a subject is injured and/or complains of injury is a reportable use of force.
4. The use of instruments (flashlights, radio, etc.), as a weapon for the purpose of striking or jabbing, other than department-authorized batons is strongly discouraged and acceptable only when exigent circumstances exist or other authorized force responses have been exhausted and are either unavailable or ineffective.

VIII. Less Lethal Impact Munitions (LLIMs)

Level of Control:

1. Intermediate Force

Description:

1. The department provides officers access to less-lethal launchers equipped with specialty munitions to increase officer, suspect, and bystander safety.
2. LLIMs for this policy refers to the 40mm launching platform and Blunt Impact Projectile (BIP) munitions
3. "Less lethal munitions" or Less Lethal Impact Munitions (LLIMs) means projectiles designed to cause injury, stun, temporarily incapacitate, or cause temporary discomfort to a person.
4. No part of this policy restricts the issuing, training, and deployment of LLIMs by members of S.W.A.T. when authorized by the S.W.A.T. commander during a S.W.A.T operation or by members of Mobile Field Force when authorized by the M.F.F. commander during a M.F.F. operation.

Certification/POST Requirements:

1. The S.W.A.T./M.F.F. units will conduct annual LLIMS qualifications and training to ensure that officers maintain proficiency with the weapon. Any officer who misses an annual qualification or training without prior approval will be subject to removal from the LLIMS operators list.
2. Sergeants assigned to the operations division as patrol supervisors will be required to attend training and qualifications for LLIMS as conditions of this assignment. Newly appointed patrol supervisors will be required to attend this training within one (1) month of assignment to the operations division as a patrol supervisor and will be responsible for coordinating this training with M.F.F. Command.

Inspection Requirement:

1. The definition of an officer in this policy is a sergeant, an authorized officer designated by deputy chief of operations, a F.O.R.C.E. unit sergeant, or a qualified operator of the 40mm less lethal from the S.W.A.T. or M.F.F. units, under the direction of a patrol sergeant. LLIMS deployment under this policy is restricted to an officer that meets the following criteria:

No officer may carry or deploy any LLIMS until the officer has successfully completed a LLIMS operator's course conducted by the department and has authorization of their unit/district commander. Officers will be required to attend all department qualifications and maintain proficiency with the use of LLIMS. The deputy chief of operations will maintain the LLIMS operator list of those officers who have met the requirements and are authorized to carry and deploy with LLIMS. The deputy chief of operations may remove any officer from the LLIMS authorized operators list who has violated any part of this policy or failed to maintain proficiency with LLIMS.

2. MFF will issue LLIMS to the patrol districts, downtown patrol unit, ACOP and any other unit as authorized by the deputy chief of operations. District and unit commanders are responsible for the assigned LLIMS at all times. A quarterly inventory will be conducted by the district/unit commander to ensure that all LLIMS assigned to their unit remain in the department's possession at all times.
3. LLIMS operators will be required to secure the LLIMS in their department vehicle in a manner to prevent loss or theft. The LLIMS will be secured in one of the long gun racks in the patrol vehicle, secured in a case within the trunk, or secured with a gun lock within the passenger area of the vehicle. LLIMS may not be stored in the department vehicle between shifts and they remain the responsibility of the operator at all times. Operators leaving a vehicle at the public safety garage for repairs must remove the LLIMS from the vehicle.
4. The department will track munitions issued and discharged by unit. If a unit discharges LLIMS, that unit must document that use in an incident report and use-of-force report. Units must replace deployed munitions and will request replacement munitions from the M.F.F. The M.F.F. Commander, or designee, must record the number of Blunt Impact Projectile (BIP) LLIMS munitions issued, the complaint number for each discharge, the requesting unit and sergeant's name requesting the munition. The number of munitions dispersed to the each unit will be verified by the inspections unit semi-annually and reported to the deputy chief of operations.
5. Unit and district commanders will ensure that their units follow department procedures for checking out and returning LLIMS. The LLIMS must be signed out from storage and returned to storage by a sergeant who will be required to record the serial number of the 40mm launcher and the designation of Blunt Impact Projectile (BIP) munitions, date and time of check out, and return. MFF staff will work with district and unit commanders to develop methods for securing LLIMS when they are not deployed.
6. The department will issue three (3) 40mm launchers to each patrol district, one (1) to the downtown patrol unit, and one (1) to ACOP. Each 40mm launcher deployment is to include a 40mm launcher, Blunt Impact Projectile (BIP), patrol munitions bag, sling, and optic. Each patrol district will be issued thirty (30) Blunt Impact Projectile (BIP) munitions for deployment. The downtown patrol unit and ACOP will be issued ten (10) Blunt Impact Projectile (BIP) munitions for deployment. The BIP munitions will each be marked with a district and number identifier for inventory purposes; for example: CN-1 to CN-30, DTB-1 to DTB-10. It will be the district's responsibility to account for all BIPs at all times.
7. The 40 mm launchers are assigned to the MFF and may be required for

MFF operations, thus are subject to recall to MFF at any time until they are no longer needed for MFF operations.

Deployment Requirement:

Operators who have met the requirements of this policy may deploy with LLIMS after getting authorization from a supervisor, either in person or by requesting permission over the air. The deployment of the LLIMS is considered an impact weapon; however, discharge of LLIMS falls above other impact weapons and below deadly force levels of response to resistance or aggression and should only be deployed when the requirements of this policy have been met.

Approved Use:

Sergeants should only deploy, authorize, or direct the deployment of LLIMS when the deployment is objectively reasonable under the circumstances. LLIMS are only authorized in response to a subject's aggressive resistance (meaning the subject is displaying by their behavior the perceived intent to harm the officer, themselves or another person and prevent the officer from placing them in custody and rendering the situation safe) or aggravated aggressive resistance (meaning the subject's actions are likely to result in death or serious bodily harm to the officer, themselves or another). Examples of the reasonable deployment of LLIMS would include circumstances where less-lethal force is reasonable, and the behavior of the suspect has limited an officer's ability to safely use other less-lethal force options.

Examples of circumstances appropriate for LLIMS deployment

Examples include, but are not limited to, the following types of situations where the subject:

- Is armed with a weapon and the tactical circumstances allow for safe application of the LLIMS.
- Has made credible threats to harm him/herself or others.
- Is engaging in behavior that threatens the safety of officers or others.
- There is probable cause to believe that the suspect has already committed a felony crime of violence and is refusing to comply with lawful orders.

Tactical Considerations:

1. This policy does not require sergeants to use or direct the use of LLIMS in place of other response options authorized by these General Orders. The safety of victims, hostages, uninvolved persons, and officers takes priority over the safety of subjects engaged in violent criminal or suicidal behavior.
2. LLIMS should only be deployed when there is a cover officer specifically assigned to the LLIMS operator for the duration of the SIM's deployment.
3. Prior to deployment, if possible, LLIMS operators deploying with LLIMS will notify the dispatcher and other officers by radio that they are deploying a LLIMS at their location.
4. Prior to deployment of LLIMS the operator of less lethal should, when practical to

do so, give clear instructions to the subjects. Similar but not limited or specific to: “SAINT PAUL POLICE DROP THE WEAPON, DROP THE WEAPON AND GET DOWN ON THE GROUND. IF YOU DO NOT DROP THE WEAPON I WILL USE FORCE AGAINST YOU.” Prior to discharging a LLIMS the operator will announce in a loud voice “less lethal, less lethal, less lethal” to alert all officers present to the discharge.

Additional Considerations:

Procedure for First Aid

Officers must render appropriate first aid to any person who has been impacted by specialty munitions.

Documenting

An incident report and use-of-force report must be completed by the operator for all incidents involving the deployment of LLIMS.

Evidence

1. Blunt Impact Projectiles and components may have evidentiary value. Collect all portions of used munitions (spent cartridges case and projectile). Turn these components into the property room (see [General Order 439.02: Submitting Property/Evidence](#)). Projectile(s) collected may be destroyed six years from date of deployment, unless needed as evidence in a criminal or civil proceeding.
2. Officers will photograph the scene and document the deployment of LLIMS pursuant to General Order 246.03.

IX. PepperBall

Level of Control:

1. Low-Level Force – Display
2. Low-Level Force (active resistance) – Area Denial
3. Intermediate Force – Direct impact
4. Deadly Force – Direct impact to deadly force target areas.

Description

1. Minnesota Statutes section 624.731 authorizes peace officers to use an “authorized tear gas compound” in their official duties.

“Authorized tear gas compound” means a lachrymator or any substance composed of a mixture of a lachrymator including chloroacetophenone, alpha-chloroacetophenone; phenylchloromethylketone, orthochlorobenzalmalonitrile or oleoresin capsicum (OC), commonly known as tear gas.

2. PepperBall is a Less Lethal delivery system that uses high-pressure air (NO₂ or CO₂ cartridges) from limited capacity magazines to deliver PAVA OC powder projectiles from a safe distance.

Definitions

Display – Pointing the PepperBall launcher in the direction of another person with no deployment of the PepperBall projectiles.

Area denial or area saturation – A use of PepperBall OC powder to deny access to an area or gain compliance of movement from an area. In this deployment, PepperBall projectiles will be launched to impact surrounding objects like walls, ground, automobile and trees and must not be launched directly at a suspect.

Direct impact – with PepperBall OC projectiles to an individual.

Certification/POST Requirements:

1. Entry level PepperBall Training will be taught during the academy.
2. Instructors who have been certified as PepperBall instructors by PepperBall Inc. are the only individuals authorized to instruct on the PepperBall system.
3. Officers authorized to use the PepperBall system must successfully complete an initial eight-hour certification course, to include written exams and practical range qualification.
4. Once certified, all officers must annually attend recertification training taught by the department training staff.
5. If an employee fails to demonstrate proficiency at any time, the employee and/or the employee's supervisor will contact the training unit for assistance in formulating a remedial training program.

Inspection Requirement

1. Officers will only use authorized PepperBall equipment issued by the SPPD. Officers will inspect the PepperBall launcher, projectiles and components for damage and cleanliness. The PepperBall launcher, projectiles and components will be inspected and maintained in accordance with training protocols. When not being carried, PepperBall launcher, components and projectiles must be stored and secured in a designated storage locker in a climate-controlled area. Launchers may not be stored in a vehicle.
2. Officers are required to sign out all required PepperBall equipment at the start of their assigned tour and will upon the end of their tour return the equipment to the designated return location in the district office. Each district or patrol office will be responsible for check out and return process.
3. Required PepperBall equipment will consist of a TCP PepperBall launcher, two (2) PepperBall magazines, five (5) NO₂ gas cartridges, twenty two (22) LIVE PepperBall round projectiles, and one PepperBall patrol bag.

4. Uniformed officers will carry the PepperBall launcher in a department-approved holster or approved PepperBall patrol bag. Officers will carry the holster on the duty belt, on the reaction side of the duty belt. Cross-draw position is optional. If plainclothes officers are issued a PepperBall launcher, they will carry the device on their reaction side.
- 5 One PepperBall launcher and PepperBall patrol bag shall be in each patrol vehicle on tour. If the patrol vehicle is a partner car only one PepperBall launcher and patrol bag is required.
6. The training unit staff will maintain an inventory of all department-issued PepperBall launchers, including an accurate record of the location of the weapon and maintenance history.

Deployment Requirement

1. This policy does not require officers or sergeants to use or direct the use of PepperBall in place of other response options authorized by these General Orders. The safety of victims, hostages, uninvolved persons and officers takes priority over the safety of subjects engaged in violent criminal or suicidal behavior.
2. Before deployment, if possible, PepperBall operators deploying with PepperBall will notify the dispatcher and other officers by radio that they are deploying a PepperBall at their location.
3. Before deployment of PepperBall, the PepperBall operator should, when practical to do so, give clear instructions to the subject(s) similar but not limited or specific to: "SAINT PAUL POLICE DROP THE WEAPON, DROP THE WEAPON AND GET DOWN ON THE GROUND. IF YOU DO NOT DROP THE WEAPON, I MAY USE FORCE AGAINST YOU."
4. Officers must give the subject a reasonable opportunity to voluntarily comply when safe to do so.

Approved Use

1. Officers may only use PepperBall as authorized under these General Orders, including G.O. 246.00.
2. Display only of a PepperBall launcher is classified as low-level force.
3. While deployment of PepperBall as an Area Denial or saturation option is classified as a low-level force, it is only authorized in response to resistance or aggression that meets the definition of active resistance.
4. Deployment of PepperBall in a manner intended to impact a subject is
 - a. An intermediate level of force
 - b. Regulated under these General Orders as a less-lethal weapon, and
 - c. Only authorized in response to resistance or aggression that meets the definition of aggressive or aggravated aggressive resistance.
5. The deployment of PepperBall in a manner intended to impact areas designated as deadly force areas for the purposes of less lethal weapons is only authorized if deadly force would be authorized under the totality of the circumstances and the department's General Orders.

Disapproved use:

1. Officers are not authorized to draw or display the PepperBall launcher except for training and inspection unless the circumstances create a reasonable belief that use of PepperBall may be necessary.
2. Use of PepperBall is prohibited:
 - a. When the subject is in a position where a fall may result in serious bodily harm or death;
 - b. Punitively for purposes of coercion;
 - c. When a subject is cooperative or displays solely Passive Resistance (e.g. standing stationary and not moving upon lawful direction falling limply, refusing to use their own power to move).
3. PepperBall should not be used in the following circumstances unless there are compelling reasons to do so that can be clearly articulated:
 - a. When the subject is in handcuffs or authorized restraints;
 - b. When the subject is in control of a motor vehicle;
 - c. When the subject is holding a firearm or deadly force is clearly justified, unless additional officer(s) are present to provide lethal cover to the officer and others present;
 - d. When the subject is at the extremes of age (elderly and young children), physically disabled, or obviously pregnant;

Tactical Considerations

1. There are two types of reportable PepperBall applications:
 - a. Area denial or area saturation – A use of PepperBall OC powder to deny access to an area or gain compliance of movement from an area. In this deployment, PepperBall projectiles will be launched to impact surrounding objects like walls, ground, automobile and trees and shall not be launched directly at a suspect.
 - b. Direct impact with PepperBall OC projectiles to an individual.
 - i. Officers should target the upper abdomen area for the primary impact area with PepperBall OC projectiles.
 - ii. Officers will not target at the head, neck or spine unless a deadly force situation exists, and the use of force is within department policy and state statute. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the PepperBall projectiles to a precise target area.
 - iii. Consider area saturation first by impacting surrounding objects like walls, ground, automobile and trees.
 - iv. Justify each use of force.
 - v. Always have a backup plan.

Additional Considerations

1. When deploying PepperBall:
 - a. Each and every deployment of PepperBall OC projectiles must be objectively reasonable. *Graham v. Connor*, 490 U.S. 386 (1989).
 - b. Officers should begin control and restraint procedures, including cuffing, as soon as it is reasonably safe and practical to do so to minimize the need for additional

deployment of PepperBall. The PepperBall operator and those assisting the operator should be aware that cross-contamination of PAVA powder is likely and use PPE to reduce cross-contamination;

- c. Each PepperBall deployment requires an on-going assessment of:
 - i. Responder safety
 - ii. Subject(s) compliance
 - iii. Chemical agent effectiveness
 - iv. The need to transition to another force level, tool or tactic
 - v. If reapplication of PepperBall (s) is indicated, an alternate impact location should be considered.
2. First Aid
Officers must follow G.O. 246.00 Section IV for Medical Attention.
3. Monitoring
 - a. Officers should remove all persons exposed to PepperBall from the affected area as soon as it is safe and reasonable to do so.
 - b. For the purposes of monitoring, an officer must remain with an exposed person from the time of exposure until the officer reasonably observes or believes that the person is no longer physically affected by the exposure.
 - c. Notify a supervisor when PepperBall has been used.
 - d. Inform detention personnel when a subject has been exposed to PepperBall and ensure they have been screened by the detention facility medical staff.
 - e. Officers must document the decontamination process in their use of force report.
4. Documentation/Reporting
 - a. Use of PepperBall is a reportable use of force subject to the reporting requirements of G.O. 246.03. An incident report and use of force report must be completed by the PepperBall operator for all incidents involving the deployment of PepperBall.
 - b. Any accidental discharge of PepperBall will be documented in the PepperBall operator's report.

X. CANINE

Level of Control

1. Low – Canine presence
* Because police canines are also living partners, have physical needs, and engage with humans, they may be peacefully present in circumstances that do not call for any response to resistance or aggression.
2. Intermediate – when used as a physical apprehension tool.

Description

A police canine is a dog that is specifically trained to assist law enforcement. The canine's primary purpose is to be used as a locating tool, other duties include searching for drugs and explosives, finding crime scene evidence, and physically apprehending individuals when objectively reasonable and authorized by the department's general orders.

Certification/Training Requirements

1. All canine handlers must complete the following requirements:
 - a. St. Paul Police Basic Canine Handlers Course
 - b. Annual certification with the United States Police Canine Association Regional PD1 Field Trials or similar organization
 - c. Annual certification with the United States Police Canine Association Regional PD2 Trial or similar organization.
 - d. A minimum of sixteen (16) hours of monthly handler training during work hours with a department trainer or approved third-party trainer.

Inspection Requirement

1. Handlers will only use authorized canine equipment issued by the department.
2. The equipment will be inspected daily for damage and maintained in working order.

Deployment Requirement

1. The canine officer must give a loud police canine announcement prior to deploying the canine for searching or apprehension. The canine announcement must include the officer's authority, what the officers want the suspect to do, and what will happen if the suspect does not comply. The canine announcement must be substantially similar to, "Saint Paul Police canine, come out to the sound of my voice with your hands up or my dog will find you and may bite you."
2. Only if there is no affirmative response following a reasonable amount of time for the person to hear, respond, and comply should the canine search begin.
3. When searching the canine announcement must be given at least one time on every floor while inside a building, when the environment changes, and every time the canine team has moved to an area where the previous canine warning may not have been heard. During searching and tracking when a canine indicates the presence of a person additional canine warnings must be given.

Approved Use

1. The police canine may only be used according to department policy and training.
2. A police canine may only be used to physically apprehend suspects who officers reasonably believe have committed certain violent felony crimes and who pose an imminent threat of physical harm to officers or others, or if violent criminal activity is not known or reasonably believed, individuals who pose an imminent threat of significant physical harm to officers or others.
3. A canine officer may deploy a police canine to physically apprehend a person who is fleeing, and who officers have cause to believe the person has committed or attempted to commit one of the following violent crimes.
 - a. Murder
 - b. Manslaughter

- c. Aggravated robbery in the first degree
- d. Kidnapping
- e. Criminal sexual conduct
- f. Aggravated assault with a firearm or weapon capable of causing great bodily harm or death

Disapproved Use

1. Police canines are not authorized to physically apprehend suspects of other felony, misdemeanor or gross misdemeanor crimes unless the suspect poses an imminent threat of physical harm to officers or others.
2. Police canines will not be used for crowd control or to move groups of people in civil disturbances, peaceful demonstrations, crowd control formations, or labor strikes.

Procedure for First Aid

Whenever there is any suspected injury from physical contact between a Saint Paul Police canine and a person, the canine handler must call for emergency medical services to evaluate the person as soon as it is safe to do so.

Additional Considerations

1. The handler must also do the following:
 - a. Immediately notify a supervisor.
 - b. Brief the first responding supervisor of the incident when they arrive.
 - c. Document the incident as directed in G.O 246.03.
 - d. If a canine supervisor is not on-duty at the time of the incident, the handler will inform their supervisor about the incident upon the supervisor's return to duty.

Tactical Considerations

Canine handlers must comply with the department's general orders for officer responses to resistance or aggression and general order 462.00 when determining to deploy a canine as an intermediate force option.

XI. CHOKEHOLDS AND STRANGLEHOLDS – Not Authorized

Level of Control:

1. Deadly Force

Description:

Chokeholds are when pressure is applied on the front of the neck and throat, cutting

off air flow (breathing).

Strangleholds include carotid restraints, where pressure is applied to the vascular veins on the side of the neck to temporarily cut off blood flow to the brain, rendering the person unconscious

Chokeholds and strangleholds are not trained or authorized by the department.

XII. FIREARMS

Level of Control:

2. Deadly Force

Description:

As long as members of the general public remain potential victims of violent crime and officers, in the performance of their duties, continue to be confronted with deadly force, it will remain necessary for peace officers to be armed. Officers are equipped with a firearm to defend the public and the officer against great bodily harm and deadly force.

Deadly Force:

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

Statutory Authorization for Use of Deadly Force: Minnesota Statute 609.066, subd. 2:

The use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary: Protect the peace officer or another from death or great bodily harm, provided that the threat:

- (i) can be articulated with specificity by the law enforcement officer;
- (ii) is reasonably likely to occur absent action by the law enforcement officer; and
- (iii) must be addressed through the use of deadly force without unreasonable delay; or

2. To effect the arrest or capture, or prevent the escape of, a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause 1, items (i) to (iii), unless immediately apprehended.
3. A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in clause 1, items (i) to (iii).

Certification/POST Requirements:

Before being authorized to carry a firearm, all officers will receive training and instruction with regard to the proper use of deadly force, the department's policies regarding officer response to resistance or aggression, and applicable state statutes and regulations. Such training and instruction will continue throughout the officer's career.

Authorization to Use Deadly Force:

The Saint Paul Police Department honors the sanctity of life. Accordingly, an officer may resort to deadly force only when objectively reasonable under a totality of the circumstances as authorized by Minnesota Statutes section 609.066.

When Deadly Force is Not Authorized:

1. It is unlawful to use deadly force against nonviolent, suspected misdemeanants who are not fleeing or resisting arrest, and pose little or no threat to the officer or public. *Johnson v. City of Ferguson*, Missouri, No. 16-1697, 2017 WL 3139437, at *6 (8th Cir. July 25, 2017).
2. Officers are not authorized to discharge a firearm in circumstances where deadly force is not authorized by Minnesota Statutes section 609.066.

Additional Considerations:

1. An officer may threaten the discharge of a firearm only when reasonable and necessary under the circumstances.
2. Where reasonable, some type of warning should be given by the officer prior to using deadly force.
3. Officers may discharge service weapons during target practice or competition on an approved target range.
4. Officers may discharge a firearm to dispatch an apparently dangerous animal or one that is so sick or so badly injured that humanitarian concerns

dictate this action (G.O. 402.00 Animal Bites, Injured, Deceased, or Dangerous Animals).

5. Should an officer use any force that results in the death of a person, for administrative and investigative purposes, the officer will be temporarily removed from line-duty assignment in accordance with General Order 246.09. The officer's unit or division commander, or EAP, may make recommendations to the chief of police concerning this restriction, but the chief of police has all final authority. (See [General Order 246.09: Investigations – Incidents Where Serious Injury or Death Result During Police Custody or Involvement](#))

Use of Firearm at/or from a Moving Vehicle

Officers should not shoot from a moving vehicle at a fleeing vehicle unless it is in response to a threat of great bodily harm or death. It is best to attempt apprehension from a position of superior tactical advantage, if possible, by using police communications and cooperative police work rather than by firing at a moving vehicle.

Firearms must not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with great bodily harm or deadly force. The moving vehicle itself does not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle should make every attempt to move out of the path of the oncoming vehicle unless such an attempt would unreasonably expose the officer or another to the risk of death or great bodily harm. The officer must consider the obvious danger of firing at a moving vehicle, since bullets may miss their target and/or the driver may lose control. Such risks, in most cases, weigh against firing at a moving vehicle.

Holster Requirement

All department-issued handguns and any handgun carried while on duty must be carried in a holster designed for that handgun. Officers wishing to carry a handgun without a holster may only do so with the permission of their unit head and the training unit commander.

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