

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: August 18, 2020	DATE EFFECTIVE: August 21, 2020	NUMBER: SO20-019	PAGE: 1 of 3
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 5-312 Force During <u>Crowd Control and Civil Disturbances</u>			APPROVED BY: <i>Chief Arradondo</i>

MP-8806

Introduction: This policy is being updated to define Civil Disturbances, and to clarify the situations in which crowd control weapons are authorized for use as well as the authorization process.

Effective with the issuance of this Special Order, Section 5-312 of the MPD Policy and Procedure Manual shall be amended as follows:

**5-312 ~~FORCE DURING CROWD CONTROL AND CIVIL DISTURBANCES~~
(08/17/07) (06/16/20) (08/21/20)**

A. Crowd related terms

~~A. Civil disturbances are unique situations that often require special planning and tactics to best bring an unlawful situation under effective control.~~

Assembly: An assembly is a group of people gathered together in one place for a common purpose.

Civil disturbance: A civil disturbance, also known as civil disorder or civil unrest, is when a gathering or assembly becomes violent or involves a collective threat of imminent violence, including but not limited to, assaults, significant property damage, arson fires, and bodily injury to persons (also see P&P 7-805 Civil Disturbances).

Crowd control purposes: Using tactics or weapons to contain, control or disperse a crowd or assembly.

Demonstration: An assembly of persons organized primarily to engage in First Amendment activity. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

B. Crowd control weapons

1. ~~Crowd~~ Only the following crowd control weapons may be used during a civil disturbance as defined in this policy: ~~include, but are not limited to,~~ chemical agents aerosols, chemical munitions or projectiles (CS, OC, CN), smoke munitions or projectiles, marking rounds (40mm direct, exact or blunt impact projectiles or rounds), rubber bullets, ~~flash-bangs,~~ ASP batons, riot sticks, ~~and marking rounds,~~ and light sound distraction devices (inert, CS, OC or CN blast balls). Authorization for use of crowd control weapons is set forth in section [C] below.
2. FSDD's (also known as "flash-bangs") shall not be authorized for crowd control purposes.
3. In accordance with P&P 5-317, officers who are not working in a certified SWAT capacity shall not deploy 40mm launchers for crowd control purposes; except that when officers who are working in a certified SWAT capacity are unavailable, patrol officers who have been trained in the use of 40mm launchers and have them available may be assigned to civil disturbances and assemblies in accordance with this policy. All use and authorizations must comply with this policy.
4. Use of any crowd control weapons shall be reported and reviewed in accordance with P&P 5-306 Use of Force- Reporting and Post Incident Requirements and P&P 5-307 Supervisor Force Review.

C. Authorization for crowd control weapon use

1. ~~B. During protests and demonstrations,~~ During civil disturbances or assemblies (as defined in this policy), authorization for crowd control weapons shall only come from the Chief of Police, or if the Chief is unavailable, the Chief's designee at the rank of Deputy Chief or above.
 - a. Such authorization shall be given over the police radio via radio transmission to personnel on scene, whenever possible.
 - b. ~~D.~~ The incident commander shall ensure that any authorization for crowd control weapons (which must come from the Chief of Police or if the Chief is unavailable, his designee at the rank of Deputy Chief or above) is documented in the Police Report ~~incident report~~, including the person who authorized the use of crowd control weapons. MPD shall retain such documentation for a period of not less than seven years.
 - c. ~~C. In civil disturbances that are not protests or demonstrations, sworn~~ Sworn MPD employees shall not deploy crowd-control weapons in a civil disturbance or an assembly until they have been authorized under this policy, unless by the on-scene ~~incident commander or there is an immediate need to protect oneself or another from objectively imminent apparent physical harm,~~ as detailed in [D] below.
2. Crowd control weapons shall not be authorized for peaceful gatherings or assemblies (such as peaceful protests and demonstrations).

3. In situations not involving civil disturbances or assemblies, the use of weapons listed in this policy shall be in accordance with the other sections in P&P 5-300 specific to those weapons.

D. Objectively imminent physical harm to oneself or another

1. If there is an immediate need to protect oneself or another from objectively imminent physical harm and crowd control weapons have not been authorized under [C] above:
 - a. Crowd control weapons, excluding chemical munitions, smoke munitions and light sound distraction devices, may be used without prior authorization in order to stop the assaultive conduct or act of violence.
 - b. In these circumstances, crowd control weapons may only be used against specific persons who are posing a threat of objectively imminent physical harm to another person.
 - c. Chemical munitions, smoke munitions and light sound distraction devices may not be used in these circumstances.
2. The sworn officer using crowd control weapons under such circumstances must notify their supervisor of the use of crowd control weapons as soon as it is safe to do so.
3. The supervisor shall notify the Incident Commander or Watch Commander as soon as it is safe to do so.
4. Any sworn officer who uses crowd control weapons under this section (against specific persons in an assembly without prior authorization) shall document and detail in the Police Report the specific circumstances establishing that there was an immediate need to protect themselves or another from objectively imminent physical harm. MPD shall retain such documentation for a period of not less than seven years.
5. The Incident Commander or Watch Commander who is notified shall email a brief notification before the end of their shift that an officer used crowd control weapons without prior authorization, including the case number and circumstances establishing the need to use the weapon, to the Chief of Police, Assistant Chief, Deputy Chiefs, and the Commander of Internal Affairs, for further review and handling.