

221 – Intermediate Weapons

221.1 PURPOSE

This policy provides guidelines for the issuing, use, maintenance, and training of intermediate weapons described in this policy.

This policy only applies to those members who are authorized to carry intermediate weapons.

This policy is in accordance with:

Minnesota Statutes, Section 609.06: Authorized Use of Force;

Minnesota Statutes, Section 609.066: Authorized Use of Force by Peace Officers

Breezy Point Police Department Use of Force and Deadly Force Policy

221.2 POLICY

It is the policy of the Breezy Point Police Department to provide officers with guidelines for the use of weaponless control techniques and intermediate weapons as described within this policy.

221.3 DEFINITIONS

Non-Deadly Response: all response tactics used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

Deadly Response: all response tactics used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

Great Bodily Harm: bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Weapon: any instrument used, or designed to be used, to apply force to the person of another.

Approved Weapon: a device or instrument which an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

1. Obtained training in the technical, mechanical, and physical aspects of the device; and
2. Developed a knowledge and understanding of the law, rules, and regulations regarding the use of such weapons.

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Impact Weapons: objects and instruments that are used, or are designed to be used, to apply force to the person of another by coming into physical contact with that person.

Chemical Agents: chemical irritants including CN/Chloracetophenone, OC/Oleoresin Capsicum, CS/Orthochlorobenzalmalononitrile or combinations of these chemical agents.

Conductive Energy Weapons: a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. Per MN Statutes, Section 624.731, Sub. 1(b), Conducted Energy Device does not include cattle prods, electric fences or other electric devices that are used in agricultural, animal husbandry or food production activities.

Resistance: Intentional non-compliance with a directive, or an attempt to flee. For the purposes of this policy, resistance is further classified as:

1. Passive/Uncooperative Resistance: subject fails to respond with verbal commands and other directions. No attempt to defeat the officer's control or flee.
2. Active Resistance: subject makes physically evasive movements to defeat an officer's attempt at control. This includes, but is not limited to: bracing, tensing, pushing, fleeing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
3. Assault/Threat of Assault: subject assumes a fighting stance, charges, strikes, or kicks an officer, or physically indicates an intention to commit an assault, combined with the subject's capability to assault.
4. Aggravated Assault: Subject commits an assault using an object, a weapon, or an empty hand assault wherein the officer believes the assault will result in great bodily harm or death.

221.4 CHEMICAL AGENTS

1. The department may issue chemical agents to officers to assist them in successfully defending themselves from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury. CEWs may also be issued to authorized non-sworn members of the department to be used as a personal protection device under the guidelines of this policy.
2. Chemical agents are classified as a non-deadly response to resistance and aggression and may be used when the officer has determined that the response is objectively reasonable at the time of use.
3. Officers must successfully complete department approved training prior to being issued chemical agents. Department approved refresher training will be attended by all officers

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authorized to carry chemical agents.

4. Chemical agents are generally considered a response option higher than verbal compliance tactics and generally analogous with soft empty hand/pain compliance techniques.
 5. The use of chemical agents is authorized, but not limited to, the following situations:
 - (a) Where verbal direction is ineffective or inappropriate.
 - (b) Where passive resistance response techniques have failed and officers may have to use physical force to maintain control.
 - (c) When a subject actively resists arrest or manifests the intention to actively resist arrest or control.
 - (d) When a subject refuses to comply with lawful commands, if compliance with those commands is essential to the safety to the subject, the officer, or the public, and other means of obtaining compliance are ineffective or not feasible.
 - (e) When a subject is attacking, is about to attack, or threatens to attack the officer of another person.
 - (f) In any other situation where the use of that degree of response is reasonably justified by law and is in accordance with department policy, based upon facts known to the officer at the time of the incident.
 - (g) To affect the removal of a person or persons who voluntarily lock themselves in a vehicle and refuse to exit when lawfully commanded to do so.
 - (h) In an enclosed area to affect the removal of persons who refuse a lawful request to voluntarily exit or when a forced exit is necessary under existing circumstances.
 6. Only the amount of chemical agent necessary to achieve the desired effect shall be used. Once the desired effects are achieved the officer shall discontinue the use of the chemical agent. A verbal warning should be given prior to the use of chemical agents unless issuing such a warning would be impractical, unreasonable, or dangerous.
 7. The use of chemical agents should be avoided in areas where it could be reasonably expected to cause panic (crowded bars, indoor sporting events, etc.).
 8. Chemical agents may only be used on restrained persons when combative and other means of control have been ineffective or would likely be ineffective.
 9. Officers should be prepared to employ other means of control the subject, including other
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force options, if the subject does not respond sufficiently to the chemical agent and cannot be otherwise controlled.

10. Once control of the subject has been established, and/or resistance has ceased, the officer will make reasonable efforts to allow the affected subject relief from the discomfort associated with the application of the chemical agent. Reasonable decontamination efforts may include, when practical:
 - (a) Removing the affected person to an area of fresh air or providing mechanical ventilation.
 - (b) Keeping the person calm by informing the person of the anticipated effects of the exposure.
 - (c) Instructing the affected person to blow his/her nose to remove any chemical agents.
 - (d) Flushing the affected area with clear water, when practicable.
11. Officers shall be alert to any indication that the individual needs medical care. If severe symptoms persist for more than 45 minutes, or the officer reasonably believes the affected person needs medical attention, the officer will arrange for the subject to receive professional medical attention.
12. Upon the use of a chemical agent, a full written report shall be completed by the officer(s) involved, unless otherwise directed by a supervisor.

221.5 CONDUCTED ENERGY WEAPONS

1. The department may issue conducted energy weapons (CEWs) to officers to assist them in successfully defending themselves from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury. Chemical agents may also be issued to authorized non-sworn members of the department to be used as a personal protection device under the guidelines of this policy.
 2. CEWs are classified as a non-deadly response to resistance and aggression and may be used when the officer has determined that the response is objectively reasonable at the time of use.
 3. Officers must successfully complete department approved training prior to being issued CEWs. Department approved refresher training will be attended by all officers authorized to carry CEWs.
 4. CEWs will be carried in an approved holster on the support side of the body.
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5. CEWs are generally considered a response option higher than that of chemical agents and soft empty hand control techniques.
 6. The use of CEWs is authorized, but not limited to the following situations:
 - (a) when a subject actively resists arrest or manifests the intention to actively resist arrest
 - (b) when the subject refuses to comply with lawful commands if compliance with those commands is essential to the safety of the subject, the officer or the public, and other means of obtaining compliance are/would be ineffective or not feasible.
 - (c) when a subject is attacking, threatens attack, or is about to attack the officer or another person.
 - (d) any other situation where the use of that degree of response is reasonably justified under law and is in accordance with department policy, based upon the facts known to the officer(s) at the time of the incident.
 7. Use of CEWs in the following circumstances is prohibited:
 - (a) In a punitive or coercive manner
 - (b) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be controlled by less intrusive means.
 - (c) In any environment where potentially flammable, volatile, or explosive material is present.
 8. Before deploying a CEW, the officer should issue a verbal warning to the subject and alert other officers on the scene that a deployment is imminent, unless impractical or dangerous to do so.
 9. Certain CEWs (e.g., Taser 10) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuromuscular incapacitation.
 10. Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployment or cycles reasonably appear necessary.
 11. Officers should be prepared to employ other means of control the subject, including other force options, if the subject does not respond sufficiently to the CEW and cannot be otherwise controlled.
 12. CEW darts should be removed from the subject as soon as possible after restraint is
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achieved. When possible, photographs of the affected area should be taken after the darts are removed.

13. Subjects should be transported to an emergency care facility following the use of a CEW under the following circumstances:
 - (a) Subjects hit in a sensitive area (face, head, female breast, genital area).
 - (b) Subjects from whom officers have difficulty removing the probes.
 - (c) Subjects who do not appear to be fully recovered within 10 minutes after being exposed.
 - (d) Subjects considered to be in an elevated risk category.
14. CEWs may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.
15. Upon any use of a CEW, a full written report shall be completed by the officer(s) involved, unless otherwise directed by a supervisor.

221.6 IMPACT WEAPONS

1. The department may issue impact weapons to officers to assist them in successfully defending themselves from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury. Impact weapons may also be issued to authorized non-sworn members of the department to be used as a personal protection device under the guidelines of this policy.
2. Impact Weapons are classified as a non-deadly response to resistance and aggression and may be used when the officer has determined that the response is objectively reasonable at the time of use. Unless the use of deadly force is authorized by law and policy, intentional strikes to the head, neck, throat, groin, and/or sternum should be avoided.
3. Officers must successfully complete department approved training prior to being issued impact weapons. Department approved refresher training will be attended by all officers authorized to carry impact weapons.
4. The use of impact weapons is authorized, but not limited to the following situations:
 - (a) when a subject actively assaults or manifests the intention to assault, or otherwise violently resists arrest.
 - (b) when the subject refuses to comply with lawful commands if compliance with those

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commands is essential to the safety of the subject, the officer, or the public, and other means of obtaining compliance are/would be ineffective or not feasible.

- (c) In a crowd control situation as a barricade, repelling device or to ward off blows from an assailant.
 - (d) in any other situation where the use of that degree of response is reasonably justified under law and is in accordance with department policy, based upon the facts known to the officer(s) at the time of the incident.
5. When impact weapons are used to apply pressure or leverage to facilitate a pain compliance technique, rather than striking, their use will be considered equal to that of the pain compliance technique performed.
 6. In certain situations, it may be necessary to use a flashlight or other object as an impact weapon. Such use is authorized by this policy if that use is in compliance with department policies and training guidelines.
 7. All subjects struck by an impact weapon will be evaluated by emergency medical personnel. If necessary, the subject will be transported to the nearest emergency care facility.
 8. Upon any use of an impact weapon, a full written report shall be completed by the officer(s) involved, unless otherwise directed by a supervisor.