



GENERAL ORDER

DATE OF ISSUE

1-31-77

EFFECTIVE DATE

2-7-77

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77-16

SUBJECT

Firearms, Regulations and Procedures

FILE CODE

Firearms

REFERENCE

G.O. 75-23(P)

RESCINDS

See Below

AMENDS

EXPIRATION DATE

DISTRIBUTION

A #4

D.P.M. Ch. 4, Sec. 39; G.O. 75-56(F), 72-50(F), 2478, 2395; Not. 75-40, 74-70, 74-6, 73-69, 73-33, 72-311, 72-309, 72-292, 72-49, 71-95, 2198; T.B. 72-22, 72-10, 158, 153, 152, 36, 35, 34.

1. USE OF FIREARMS - GENERAL

1.1 Department and State of Michigan Procedures. Members must always bear in mind that the use of firearms shall be confined to situations of strong and compelling need. The laws of this state and the rules of the department demand that members use only the minimum degree of force necessary to effect an arrest.

1.2 Consideration Before Using Firearm. The law recognizes degrees of crime by providing degrees of penalty. The member about to shoot must consider the severity and the certain consequences of his action, particularly in those cases where the crime committed did not result in personal injury. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

2. USE OF FIREARMS ON MERE SUSPICION

A member shall not discharge a firearm in an attempt to apprehend a person on mere suspicion that a crime, no matter how serious, was committed or on mere suspicion that the person being pursued committed the crime. A member shall either have witnessed the crime or must know, as a virtual certainty, that the person committed an offense for which the use of deadly force is permissible in accordance with department directives.

3. LIABILITY OF MEMBERS

Members should be aware of the following excerpts from the "Michigan Police Law Manual" regarding the taking of a life in the line of duty: "No one can be justified in threatening or taking life in attempting to arrest on suspicion only, without incurring serious responsibilities. Where the life of a felon is taken,

by one who does not know or believe in his guilt, such slaying involves a criminal liability." and "If crime can readily be prevented, without injuring the criminal, every wanton injury is a trespass, and may become a crime. Neither law nor morality can tolerate the use of needless violence, even upon the worst criminals."

4. USE OF FIREARMS IN DEFENSE

Members may use firearms to protect themselves and others from serious bodily harm or death.

5. USE OF FIREARMS TO EFFECT ARREST OR PREVENT ESCAPE - GENERAL

5.1 When Justified. Members may use firearms to effect the arrest of or to prevent the escape of persons known to have committed the crime of murder, rape, robbery, felonious breaking and entering, arson, and assaults which have resulted in serious bodily harm or death provided the member has exhausted all other reasonable means of effecting the arrest, except as prescribed in Sub-section 5.2 below.

5.2 When Not Justified. Members should not fire at the above mentioned persons in the following circumstances: When lesser force could be used to make the arrest; when the member believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force; or when there is any substantial danger to innocent bystanders.

6. WARNING SHOTS

The firing of warning shots is strictly prohibited. A member must give great consideration to the potential danger that a misdirected or ricocheting bullet presents to innocent persons.

7. FIRING FROM MOVING VEHICLE

Members should shoot from a moving vehicle only in cases of extreme necessity. It is a fact that such firing adversely affects accuracy and increases the ever present possibility of hitting an innocent bystander or destroying property.