

"Firing the revolver to prevent the escape of persons known to have committed the crime of murder, rape, robbery, burglary and arson is justified when, in the sound discretion of the officer, it appears to be the only means of preventing the felon's escape.

"However, under such circumstances just as the law recognized degrees of severity in crimes by providing a minimum and maximum sentence for a particular crime, the officer about to fire his revolver should carefully plan this action and recognize its severity and possible consequences, particularly in those cases where the crime committed did not result in personal injury.

"Firing the revolver cannot be justified when used as a warning device, nor can it be justified when used for apprehending persons suspected of committing a crime or persons fleeing from the scene of crimes other than murder, rape, robbery, burglary, arson or the like."

Department Training and Information Bulletin 53, April 30, 1968, interprets both the State law and Department Policy as follows:

"...The use of the revolver is confined only to those crimes of an extremely serious nature--murder, rape, robbery, burglary and arson or the like. Here the criterion is clearly indicated: There should be no doubt in the officer's mind as to the guilt of the fleeing felon. Even then, the officer must give some consideration to the severity of the crime, and the danger of injuring an innocent person...

"Before firing a shot, an officer must consider the fact that regardless of what a man has done--multi-murder or what have you-- the State of Michigan has no capital punishment. The stresses of our environment at the present time demand that a continuing emphasis be placed on the seriousness of taking a life.

"Michigan State Law clearly states that every effort should be made to effect the arrest by peaceful means whenever possible. Aggression on the part of the felon to resist arrest, or to escape from custody, will justify the use of force by an officer, only in sufficient quantity to effectively overcome the resistance. Under these circumstances, the officer would be justified in using his firearm when confronted with an armed resistance, or when he is threatened with serious bodily injury. The Law does not justify the use of force when no resistance has been offered, and when no intention to escape has been indicated..."

It is apropos at this time to deal with the subject of entrapment, which has been offered as an argument against STRESS.

"To constitute entrapment, an officer, by law, must instigate a criminal act which would not have occurred to the perpetrator except for the actions of the officer. To hold that police officers in civilian style or dress constitute entrapment is to take the ludicrous position that all victims of crime are guilty of entrapment, because if they hadn't been there the crime would not have occurred." This is a quotation from a letter written by an executive of the Detroit Police Department, to the public letter box.