

## GENERAL PROCEDURES

### CHAPTER 10

#### FIREARMS

#### 1. USE OF FIREARMS

- \* Members must always bear in mind that the use of firearms shall be confined to life threatening situations. 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. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

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 have probable cause to believe that the person committed an offense for which the use of deadly force is permissible in accordance with department directives. Probable cause means a reasonable belief based on the facts and circumstances known to the officer at that point in time to cause the officer to believe that the crime occurred and that the suspect committed it.

#### \* 2. USE OF FIREARMS TO EFFECT ARREST OR PREVENT ESCAPE

Members shall not use their firearms to effect the arrest or prevent the escape of a suspect when lesser force can be used to make the arrest; when the member believes that the suspect can be apprehended reasonably soon thereafter; or when the safety of bystanders is jeopardized.

#### \* 3. GUIDELINES

Members may use their firearms in the following situations only:

- a. Self-defense and in defense of others from significant threat of death or life threatening physical injury.
- b. Deadly force may be used to prevent the escape of a suspect only in those instances when an officer has probable cause to believe that the suspect poses a significant threat of death or life threatening physical injury to others. Deadly force may be used in this limited situation only when there is no other reasonable means to prevent escape of the suspect and if, where feasible, some warning has been given.

The following felonies pose a significant threat of death or life threatening physical injury to others:

- a. Murder and its attempt
- b. Assault with intent to commit murder
- c. Criminal sexual conduct, 1st, 2nd or 3rd degree

## GENERAL PROCEDURES

---

- d. Armed robbery and its attempt
- e. Assaults resulting in life threatening physical injury

Members shall not fire upon a person who is fleeing on suspicion alone that such person may have committed a life threatening felony or solely because a person fails to stop upon command or runs a blockade.

Under no circumstances can the discharge of a firearm be justified to effect an arrest for a misdemeanor charge or apprehend a person fleeing from such a charge.

#### 4. JUSTIFICATION REQUIRED BY MEMBER

Each instance will be judged on its own set of facts. Therefore, officers must be able to articulate the elements and circumstances which justify the discharging of their firearms. Specifically, the officer must state the probable cause which is the basis for the belief that the life of the officer or the life of a third party was endangered by the suspect.

#### 5. 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.

#### 6. 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 increase the ever present possibility of hitting an innocent bystander or destroying property.

#### 7. REVOLVERS

##### 7.1 General

All members of the department will be issued a revolver. The make, model, caliber and department number of the revolver as well as the name of the member will be recorded in the Firearms Section on form D.P.D. 164-A and on the Personnel Data Card, D.P.D. 139, in each command. However, members may obtain department approval to carry privately owned revolvers or semi-automatic pistols subject to the following restrictions.

##### \* 7.2 Approved Revolvers

Only revolvers issued by the department or privately owned department approved revolvers as described below may be carried by members on or off duty unless special permission has been granted by the Chief of Police.

For sergeants and police officers working in uniform and on duty, the revolver must be a Smith & Wesson or Colt, .38 Special caliber or larger, 6 shot with a minimum barrel length of 4 inches.

For sergeants and police officers working in plainclothes or when off duty, the revolver must be a Smith & Wesson or Colt, .38 Special caliber or larger, 5 or 6 shot with a minimum barrel length of 2 inches.