

512 USE OF FORCE

A member shall use only that force which is necessary for the safe custody of a prisoner or for overcoming any resistance that may be encountered. The improper use of firearms or the unnecessary use of physical force constitutes gross misconduct.

513 USE OF FIREARMS

Regardless of any department guidelines, it must be emphasized on each officer that the grave responsibility is his when he fires his service weapon. The officer must have complete justification legally and morally for taking extreme measures. Justification must be based on fact rather than assumption or suspicion.

513.1 Depending on circumstances and conditions an officer would be justified in firing his service weapon when necessary:

- a) To defend himself from death or serious injury or to defend another, who was unlawfully attacked, from death or serious injuries.
- b) To kill a dangerous animal or one so badly injured that humanity requires its removal from further suffering.
- c) To give an alarm or call for assistance for an extremely important purpose when no other means can be used.
- d) To effect the arrest or prevent the escape of a convicted felon or a person who has committed a felony in the officer's presence, when other means are insufficient. This is a general rule and cannot be clearly defined but it should be limited to serious aggravated felonies such as murder, robberies, forceful rape, etc., after all reasonable means of apprehension has failed and the use of deadly forces is clearly justified.
- e) The rules controlling the use of firearms in felony cases must necessarily be general in nature as it is impossible to establish a set of rules to embrace every possible situation.

Notwithstanding any guidelines, an officer must use good judgment and common sense and must always be aware of the grave responsibility which is his when he uses deadly force, and he must be prepared to justify the use of his firearm in all cases.

The law on reasonable force when making an arrest always applies.

513.2 The firing of service weapons by members of this department is strictly prohibited under the following conditions:

- a) To effect the arrest or prevent the escape of a person for the commission of a misdemeanor.
- b) The indiscriminate firing of warning shots, except as provided under section 513.1 (c)

- c) The careless and reckless use of firearms without regard to the safety of innocent bystanders.

513.3 In all cases where a member of the department fires his service weapon, except when practicing or testing, the following procedure will be adhered to:

- a) The officer concerned will file a complete report of the incident in detail, the names and addresses of victims and witnesses, extent and treatment of injuries, if any, and reasons and circumstances that required the use of the firearm.
- b) The division commander will immediately conduct a full investigation into the use of the firearm and submit his report in detail with that of the officer to the Chief of Police.
- c) At the end of his report, the division commander will state whether or not the firing or use of the service weapon was justified.

513.4 The indiscriminate, careless and reckless firing of service weapons will not be tolerated. When in doubt do not fire

514 USE OF WEAPONS

A member who finds it necessary to use his baton, a shotgun or other weapon in making an arrest, or attempting to make an arrest for any reason shall notify in writing, his commanding officer and the commanding officer shall cause an investigation. to occur as to any damage or injury, or the propriety of the use of the weapon in accordance with 513.3.