<table>
<thead>
<tr>
<th>Title</th>
<th>SOP Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIREARMS AND DEADLY FORCE</td>
<td>PE 06</td>
</tr>
</tbody>
</table>

Interim Chief Jeff Corcoran

Revised  
10/14/14 JRC  
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Effective Date  
10/20/14
I. Purpose

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property as well as apprehend criminal offenders. This may entail the use of force which may reasonably be expected to take a life. The apprehension of criminal offenders and protection of property must at all times be subservient to the protection of life. The officer’s responsibility for protecting life must include his own.

II. Information

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

"Deadly Force" as used in this procedure is defined as that force which is likely to cause death or grave injury or which creates a substantial degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

This policy complements the Less Lethal Force policy, and should be reviewed in conjunction with that policy.

III. Procedure

A. Use of Deadly Force

Officers shall use force only as necessary to affect lawful objectives. Officers shall fire their weapons as described in the following sections of this procedure.

For maximum stopping effectiveness and to minimize danger to innocent bystanders, the officer should shoot at "center body mass" when possible.

(CALEA 1.3.1)
1. An officer may use deadly force to protect himself or others from what he reasonably believes to be an immediate threat of death or grievous bodily harm.

   (CALEA 1.3.2)

2. Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.

   (CALEA 1.3.2)

3. Warning shots are not permitted due to the inherent danger to officers and civilians.

   (CALEA 1.3.5)

4. The killing of an animal is justified (a) for self-defense as listed in section 1, (b) to prevent substantial physical harm to the officer or another, or (c) when the animal is so badly injured that humanity requires its relief from further suffering. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the SPCA. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others. Consideration should be made of surrounding bystanders if an animal is to be destroyed by an officer. Rabid animals should not be shot in the head, if at all possible.

5. Except for general maintenance, storage, or training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy. Officers are responsible for the security of their weapons at all times.

6. Deadly force shall not be used against a fleeing felon unless the conditions of section 1 above are met.

   (CALEA 1.3.3)
7. Every officer shall be issued copies of the procedure, and also shall be instructed in the context of this procedure at least annually during use of force training. Newly hired officers must be instructed in Department procedures, given a copy of the procedure and qualify before carrying a weapon.

(CALEA 1.3.4)

8. Officers will read and sign that they received a copy and understand the departmental policy.

B. Departmental Control of Weapons

All on-duty officers shall be armed with a department approved firearm. A department approved firearm intended for official use by any police officer must meet the following requirements:

1. The firearm must be a specific model and caliber approved by the Police Chief.

2. The firearms must be loaded only with ammunition approved by the Police Chief.

3. The firearm must be inspected and certified safe by the department armorers.

4. The firearm must be registered with the department by make, model and serial number.

5. The officer must be qualified with the weapon before carrying it.

6. Modifications and alterations must be approved by the armorers in advance.

7. Repairs to departmental weapons will be performed only by the armorers or his designate.
8. Repairs to personal weapons are the responsibility of the owner; however, re-inspection of the weapon is required by the armorers after any repair or modification.

9. Only departmentally approved holsters are permitted for on-duty use, or when carrying a weapon off duty under the authority of the department.

10. University police officers are authorized by to carry a weapon on University Property. Off-duty weapons are authorized under the authority of the department only while within the jurisdiction of UCPD. Officers are required to follow the applicable state and federal laws in regard to carrying of firearms while off-duty and outside of the UCPD jurisdiction. Officers must carry their department issue ID and badge whenever carrying a weapon under the authority of the department.

   (CALEA 1.3.6)

C. Firearms Training

   The departmental firearms training program will include comprehensive instruction of:

   1. Departmental policy on use of deadly force.

   2. The legal requirements.

   3. Moral responsibilities of carrying a firearm.

   4. Firearm safety and security, including home safety.

   5. Firearm proficiency.

   The firearms proficiency training will as closely as possible reflect those circumstances and conditions that our police officers are most likely to confront in real-life deadly force situations. All aspects of the firearms training program will include the officers’ handgun and departmental long gun(s).
Should an officer fail to meet qualification standards, the following procedure will be followed:

a. FIRST SESSION FAILURE

Officers will be given another opportunity to qualify during the same session. If unable to qualify by the conclusion of that session, the officer will be scheduled for six to eight hours of individual instruction with a firearms instructor. The officer will then be given up to two weeks to practice on their own time, to raise their proficiency to an acceptable level. The officer will be given a written counseling for failure to maintain proficiency with their weapon. The appropriate Captain and/or Assistant Chief, and the Chief will be notified.

b. SECOND SESSION FAILURE

If at the second session the officer still fails to qualify, the officer will be temporarily disarmed and assigned to a non-critical position to be determined by the Chief. In the case of an Auxiliary officer, they will not be permitted to work. The officer will be given up to one month to raise their proficiency to acceptable standards (while remaining in an unarmed status). The officer will be given a written reprimand for failure to maintain proficiency with their weapon.

c. THIRD SESSION FAILURE

Should a failure result from the third session, the officer will be deemed unqualified to carry a firearm, disarmed and a hearing set. The administration may consider demotion in rank or dismissal, based upon record, circumstance and position availability.
The primary firearms instructor shall maintain a permanent certification log for every officer authorized to carry firearms. The log shall consist of the following minimum information:

a. Officer’s name.

b. Certified on duty and secondary weapon make, model, caliber and serial number; date, time, curriculum, instructor and results of shooting qualifications and any written tests.

c. Certified shotgun and/or rifle (same as # 2).

(CALEA 1.3.11 1.3.10)

D. The Departmental Investigative Process

The following procedures will be used to investigate every incident of firearms discharge by a department member except for training, ballistics examinations, or off-duty non-work related (such as hunting or recreational target shooting). In the event of any firearms discharge, the officer involved may be required to undergo a re-qualification prior to returning to full duty.

(CALEA 1.3.9)

1. Involved Officer

   a. Whenever an officer discharges his firearms either unintentionally or officially, other than the exceptions outlined above, he shall immediately:

      aa. Determine the physical condition of any injured person and
render first aid when appropriate.

bb. Request necessary emergency medical aid.

c. Notify the dispatcher of the incident and location. If off-duty, he shall notify the 911 dispatcher of the appropriate jurisdiction first, then notify the UCPD dispatcher as soon as possible.

b. The officer will remain at the scene (unless injured) until the arrival of the appropriate investigators. However, if circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (i.e., violent crowd), the ranking commanding officer at the scene shall have the discretion to instruct the officer to another, more appropriate location. The officer will protect their weapon for possible examination, if necessary; however, the weapon should remain in the holster until the officer returns to the station. At that point a supervisor will take the weapon for examination, if necessary. The officer will be provided with another weapon in this case.

c. The officer will complete a public safety statement as soon as possible. This statement will include:
1. Type of force used.
2. Direction and approximate number of shots fired by the involved officer(s) and suspect(s).
3. Location of injured persons.
4. Description of outstanding suspect(s), their direction of travel, and any weapons in their possession.
5. Time elapsed since the suspect(s) were last seen.
6. Description and location of any known victims and witnesses.
7. Description and location of any known evidence.
8. Other information as necessary to ensure officer and public safety, and assist in the apprehension of outstanding suspects.
d. The officer will remain available for further interviews, but in the absence of extraordinary circumstances, formal interviews will not be conducted until 24 to 48 hours have elapsed. This allows the officer time to meet with legal and psychological counsel. It also allows the officer time to recover from their shock disruption period, and provide the most accurate statement.

(CALEA 1.3.13, IACP model policy 20)

2. Dispatcher

a. The notified dispatcher shall dispatch requested medical aid, a back-up unit, and a supervisor to the scene. They will notify administrative personnel as soon as possible, and investigators as requested by the supervisor. Any queries from news media or the public will be referred to the University’s Public Affairs spokesperson.

3. On Duty Supervisor

a. When notified, the supervisor shall:

   aa. Respond immediately to the scene.

   bb. Secure the scene.

   cc. Conduct a preliminary field investigation.

   dd. Notify the Chief and investigator, if needed.

   ee. If injury resulted, notify the Chief, who will in turn, make any necessary notifications.

   ff. Have all officers involved in the incident prepare written reports
which completely and accurately set forth all circumstances surrounding the shots fired. Taped statements will be taken and whenever possible, videotaped statements will also be taken from officers and witnesses.

(CALEA 1.3.9 1.3.14)

gg. Submit a written report of the preliminary investigation to the Chief and the assigned investigator.

b. In the event that an LPO or LT is involved in a shooting, the on scene supervisor would be a Captain or Asst. Chief.

4. Assigned Investigator

a. The assigned investigator shall, upon being notified:

aa. Respond immediately to the scene.

bb. Discuss with the on scene supervisor and determine if outside assistance is needed to process the scene. If so, then suspend any investigative process until the other agency arrives. If not, then steps 3 - 9 would apply.

c. Examine the weapons of all officers present at the time the shots were fired.

dc. Request the supervisor to secure any officer’s weapon needed for firearms examination.

ever. Separate, secure and interview all on scene witnesses.

ff. Photograph and diagram scene.

gg. Secure all physical evidence.

hh. Secure telecommunications tape.

ii. Prepare a detailed report for the Chief of Police indicating the results of the investigation and if criminal misconduct
was present.

(CALEA 1.3.14 1.3.15)

5. Internal Affairs Supervisor (or Investigator)

a. The supervisor (or assigned investigator) of Internal Affairs shall conduct an investigation into the circumstances of any incident of firearms discharge, at the discretion of the Chief.

This investigation shall be subordinate to any criminal investigation. The goals of this investigation shall be to establish if the shooting was within policy, out of policy, or if it was accidental. This investigation will also look at any training implications from the shooting (tactics used, their success or failure). An officer may be compelled under administrative penalties to answer questions in an internal affairs interview. The results of such an interview are not usable in the criminal investigation, and the officer will be so advised before such an interview. The interviewed officer shall, upon request, be given a copy of any statement given by him/her.

6. Civil Rights Investigation

The department will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations which may have occurred. The department will not order or request any of its members who may be suspects, to confer with federal investigators without the advice of counsel.

7. Administrative Leave/Duty

Any officer directly involved in a deadly force incident may be placed on administrative leave/suspension upon direction of the Chief in compliance with Civil Service rules upon completion of the officer's preliminary report of the incident. Administrative leave shall be without loss of pay or benefits, pending the results of the investigation. This leave shall not be
construed to imply that the officer has acted improperly. This procedure has a two fold purpose:

1. To protect the community interest when an officer may have exceeded the scope of his authority in the use of deadly force.

2. To shield an officer who may not have exceeded his authority from confrontations with the community.

(CALEA 1.3.15 1.3.16)

While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the shooting incident. The officer shall not discuss the incident with anyone except the prosecutor’s office, departmental personnel assigned to the investigation, the officer’s private attorney, the officer’s psychologist, the officer’s chosen clergy and the officer’s immediate family. Upon returning to full duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the officer, his/her psychologist and the Chief of Police. The officer may be required to re-qualify with their firearm before returning to full duty.

(CALEA 1.3.16, IACP model policy 20)

8. Legal Representation

The officer should be given the opportunity to contact his/her attorney immediately and the attorney should be permitted by the department to proceed to the scene to meet with the officer. The attorney should also be permitted to assist the officer in drafting a formal statement as to the underlying facts and reasonableness as perceived by the officer justifying his/her use of deadly force. The officer will be advised of his/her legal and departmental rights. The attorney should be permitted to assist the officer throughout the investigations and departmental proceedings without hindrance of the department. The supervisor should encourage the officer
to contact family members as soon as possible. Only the Chief or his designate will release information pertaining to the incident. (See SOP on Media).

9. Psychological Services for the Officer

In all cases where any person has been injured or killed as a result of a firearm discharge by a police officer, the involved officer and his/her family will meet at least once with the departmental appointed police psychologist. The purpose of this is to provide the officer and/or family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a shooting incident. The services shall not be related to any department investigation of the incident and nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged relationship.

E. Theft or Loss of a Weapon

Officers are responsible for the security of weapons assigned to them both on and off-duty. With the exception of rack mounted long guns, any weapon that is to be left in a vehicle must be locked in the trunk or a security cabinet. Weapons should not be left in the trunk of a personal vehicle overnight, unless stored in a locked metal security cabinet that is permanently mounted to the vehicle structure. Weapons being stored at home should be in a locked metal cabinet that is mounted to the structure or secured by a cable or chain type lock to the structure.

1. In the event of a weapon being stolen or lost while on duty, the officer will immediately notify their supervisor. If the weapon is stolen or lost while the officer is off-duty, they will immediately notify the local law enforcement agency and the on-duty UCPD shift supervisor.

2. Immediate investigative steps will be taken as needed to recover the weapon, such as areas searches.
3. If the weapon is not immediately recovered, the on-call command staff will be notified.

4. A theft or information report will be made as appropriate, and the weapon entered into NCIC.

References: IACP Model Policy for Firearms and Deadly Force