



FIREARM POINTING INCIDENTS



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INDEX CATEGORY:	Department Notice		

I. PURPOSE

This directive outlines the:

- A. procedures for the notification, recording, and reviewing of firearm pointing incidents.
- B. existing reasonableness standard for Department members' when pointing a firearm at a person.

II. POLICY

- A. **Beginning XX Month 2019, whenever a Department member points a firearm at a person while in the performance of his or her duties, the member is required to make the appropriate notification consistent with the procedures and exceptions outlined in this directive.**

EXCEPTION: The notification requirement **does not include:**

- 1. Department members assigned as a Special Weapons and Tactics (SWAT) Team member who point a firearm at a person during the course of a designated SWAT incident.
- 2. Department members assigned to a federal task force, as designated by formal agreement between the Department and a federal law enforcement agency, who point a firearm at a person during the execution of the federal task force duties. This exception does not apply to Department members assisting or working in conjunction with a federal task force but who are not officially assigned to the task force or executing federal task force duties.
- 3. Department members who point a firearm at a person during any Department-authorized training.
- 4. Department members involved in a firearms discharge incident who discharge a firearm and notify the Office of Emergency Management and Communications (OEMC) consistent with the directive titled "**Firearms Discharge Incidents Involving Sworn Members.**"
- B. Department members **are not required to make a notification for** any unholstering or display of a firearm or having the firearm in a "ready" position (e.g., low ready, position "SUL") or any other position during the course of an incident, unless the firearm is pointed at a person.
- C. When a Department member points a firearm at a person to detain that person, a seizure (e.g., investigatory stop or arrest) has occurred and will be documented consistent with existing procedures. Department members will continue to:
 - 1. conduct and document investigatory stops based on reasonable articulable suspicion and probable cause consistent with the Department directive titled "Investigatory Stop System."
 - 2. process persons taken into custody based on probable cause consistent with the Department directive titled "Processing Persons under Department Control."

- D. Consistent with the Department directive titled "Body Worn Cameras," Department members will:
1. activate the body worn camera system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.
 2. indicate if the incident was recorded in any reports completed for a firearm pointing incident.
- E. **Reasonableness Standard.** Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. While reasonableness is not capable of precise definition, Department members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person (e.g., possession or access to weapons).
- F. Additionally, the pointing of a firearm at a person is:
1. a factor courts have considered in determining whether or not a consensual encounter has elevated to an investigatory stop or an arrest.
 2. not a reportable use of force and the firearm pointing alone does not necessitate the completion of a Tactical Response Report.
- G. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

III. FIELD PROCEDURES

- A. **All Department Members.** Absent the exceptions listed in Item II-A of this directive, whenever a Department member points a firearm at a person while in the performance of his or her duties, the member will notify OEMC promptly after the incident has concluded.
1. The OEMC notification will include the Radio Identification/Beat Number of the Department member who pointed a firearm at a person.
 2. If multiple members point a firearm during the incident, each corresponding beat is required to make a notification. Therefore, multiple notifications may exist for a single incident.
- B. The notified OEMC dispatcher will:
1. acknowledge the notification from the Department member who pointed a firearm at a person.
 2. create a Police Computer-Aided Dispatch (PCAD) event recording the firearm pointing incident and the Radio Identification/Beat Number of the notifying Department member. If the notifying Department member:
 - a. is assigned to a PCAD event for the identified incident, the firearm pointing notification event will be cross-referenced with the original assigned event and closed by OEMC.
 - b. **is not** assigned to a PCAD event for the identified incident, the member will ensure the firearm pointing notification PCAD event is resolved consistent with existing Department procedures.
 3. inform the notifying beat's immediate supervisor of the event and record the notification on the appropriate PCAD event.
- C. The notified Department supervisor will:
1. acknowledge the notification of the firearm pointing incident.
 2. ensure that any incident documentation completed by the notifying beat and the OEMC recordation of the pointing of a firearm are promptly reviewed in accordance with this and other existing Department directives outlining incident reporting.

3. effectively supervise the members under his or her command, including identifying and adequately addressing any performance that is exceptional or that may be improved through corrective actions, including training or other nondisciplinary methods.
4. ensure any body-worn camera or in-car video data for the incident is appropriately retained consistent with the Department directives titled "Body Worn Cameras" and "In-Car Video Systems."
5. record the event and, if appropriate, any actions taken on his or her Supervisor's Management Log ([CPD-11.455](#)) or other appropriate supervisory report by the end of his or her tour of duty.

IV. AFTER-ACTION REVIEW PROCESS

- A. The Force Review Unit (FRU) will be responsible to review documentation and information collected from all investigatory stop or arrest occurrences in which a Department member pointed a firearm at a person in the course of effecting a seizure. This review will:
 1. identify any tactical, equipment, or training concerns.
 2. identify whether the pointing of the firearm at a person allegedly violated Department policy.

NOTE: If the investigatory stop or arrest occurrence is the subject of an open Log Number investigation, the FRU will not review the incident for alleged Department policy violations.

 3. be completed within 30 days of the incident.
- B. At the completion of each review of a firearm pointing incident, the Commander, FRU, will:
 1. issue a written notification of the findings and, if applicable, any other appropriate actions taken or required to address any tactical, equipment, or training concerns or the identification of alleged violations of Department policy to the notifying beat's immediate supervisor and unit commanding officer.
 2. if applicable, make the appropriate referrals for misconduct investigations or other corrective actions for alleged violations of Department policy.
 3. review the status of the recommended actions to ensure the timely implementation by the notified units.
 4. ensure all review records are retained consistent with existing records-retention requirements.
- C. The notifying beat's unit commanding officer will ensure the written notification has been received by the notifying beat's immediate supervisor and inform the notifying beat's chain of command of the written notification of recommendations. If the notifying beat's immediate supervisor is unavailable, the unit commanding officer will designate another unit supervisor to provide the feedback and recommendations to the notifying beat.
- D. Supervisors and unit commanding officers receiving feedback or recommendations from the FRU will ensure the:
 1. notifying beats receive the appropriate feedback.
 2. recommendations are appropriately implemented consistent with existing procedures and the appropriate collective bargaining agreement.
 3. FRU is notified of the status of the recommendations, including when it was implemented.

- E. In addition to the individual firearm pointing incident review process outlined in Item IV-A of this directive, the FRU will also regularly, but at minimum on an annual basis, analyze the reviewed firearm pointing incidents to assess and identify:
1. any patterns in such occurrences and, to the extent necessary, ensure that any concerns are addressed; or
 2. any tactical, equipment, training, or policy concerns and, to the extent necessary, ensure that the concerns are addressed.
- F. At the completion of each analysis, the Commander, FRU, will:
1. forward any recommended Department-wide actions (e.g., training and policy recommendations) to the appropriate command staff member responsible for the implementation.
 2. review the status of the recommended actions to ensure the timely implementation by the appropriate units.
 3. ensure all analytical records are retained consistent with existing records-retention requirements.

V. DATA RETENTION AND ACCESS

The Director, Information Services Division, will ensure:

- A. OEMC data recording a notification of a pointing of a firearm are electronically linked, by PCAD event number, with Department reports and body-worn camera recordings associated with the incident.
- B. all documentation and recordation of investigatory stop or arrest occurrences in which a Department member points a firearm at a person, including the OEMC notification data, are maintained in a manner that is readily accessible to Department supervisors and the FRU.
- C. all associated records are retained consistent with the records-retention requirements.

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