



FIREARM DISCHARGE INCIDENTS - AUTHORIZED USE AND POST-DISCHARGE ADMINISTRATIVE PROCEDURES



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I. PURPOSE

This directive:

- A. outlines the policy governing sworn member's discharge of a firearm.
- B. satisfies CALEA Law Enforcement Standard Chapter 4.

II. POLICY

- A. **Sanctity of Human Life.** *The Department's highest priority is the sanctity of human life. The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, homeless status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to utilize a firearm will be made in accordance with the Department directive titled "**De-escalation, Response to Resistance, and Use of Force.**"*
- B. **De-Escalation.** Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on *the member's training and experience* and the totality of the circumstances (*e.g., when a zone of safety can be safely established and there is not a continuing threat to Department members or members of the public*). This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary, in accordance with the Department directive titled "**Response to Resistance and Force Options.**"
- C. **When Use is Authorized.** Department members' use of a firearm must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances. Consistent with Department directive titled "**Response to Resistance and Force Options,**" Department members are authorized to use a firearm against an **assailant** as a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.
- D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:
 - 1. Firing warning shots.
 - 2. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
 - 3. Firing solely in defense or protection of property.
 - 4. Firing into crowds. However, this prohibition does not preclude the discharge of a firearm directed at a specific person who is near or among other people, but the discharge of a firearm in such circumstances is only permitted in the limited circumstances when such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the discharge of a firearm is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck.

5. Firing into buildings, through doors, windows, or other openings, or in any other circumstance when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck.
6. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is a last resort and necessary, based on the specific circumstances confronting the sworn member, to protect against an imminent threat to life or to prevent great bodily harm to the sworn Department member, another person, or a group of people.

NOTE: When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.

7. Firing from a moving vehicle, unless such force is a last resort and necessary, based on the specific circumstances confronting the sworn member, to protect against an imminent threat to life or to prevent great bodily harm to the sworn Department member or another person.
- E. **Justify Separate Uses of Force.** An initial firearm discharge and each subsequent discharge of a firearm must be individually justified and documented on the Tactical Response Report (TRR) as a separate use of force.
 - F. The Department recognizes that firearm discharge incidents are traumatic events and is committed to treating all impacted with dignity and respect.
 - G. Consistent with existing Department policy on the dissemination of information, the actions of Department members will not unreasonably impede or delay access to information for the families of individuals who have been injured or the deceased.
 - H. Under normal circumstances, the provisions of this directive will not apply to the discharge of a firearm during:
 1. Department-sponsored firearm training or practice.
 2. firearm practice at a recognized range facility.
 3. Department-authorized ballistic examination or testing.
 4. a licensed hunting activity.
 - I. For additional guidance on Department firearms, Department members will refer to the Department directives titled "**Department Approved Weapons and Ammunition**," for Department-approved firearms, ammunition, and training.

III. CONDITIONS ON THE DISCHARGE OF A FIREARM

Sworn members discharging a firearm will, when it is safe and feasible to do so based on the specific circumstances confronting the member:

- A. consider their immediate surroundings and the safety of uninvolved members of the public before discharging their firearm.
- B. take precautions to identify the appropriate target prior to discharging the firearm and to minimize the risk that people other than the target will be struck.
- C. consistent with the principles of Force Mitigation outlined in Department directive titled "**Response to Resistance and Force Options**," issue a verbal warning prior to, during, and after the discharge of a firearm.

IV. POST-FIREARM DISCHARGE RESPONSE AND INVESTIGATION

- A. Whenever a sworn Department member discharges a firearm pursuant to this directive, Department members will refer to the Department directive titled "**Firearm Discharge and Officer-Involved Death Incident Response and Investigation**" for additional procedures and responsibilities, including immediate notification requirements, immediate responses, post-discharge responsibilities, and incident investigation.
- B. Firearm discharge incident investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive titled "**Department Member Bill of Rights**," including the timeliness of documented formal statements.

V. POST-FIREARM DISCHARGE ADMINISTRATIVE PROCEDURES

- A. Any sworn Department member involved in a firearm-discharge incident, whether on or off duty, is required to submit to the mandatory alcohol and drug testing, in compliance with Item VI of this directive and any applicable collective bargaining agreement.
- B. Any member who has discharged a firearm in an incident, other than unintentional discharges or solely for the destruction/deterrence of an animal where no one was injured will:

- 1. contact the Professional Counseling Division via telephone within twenty-four hours of the incident to schedule a **mandatory debriefing**, consistent with the Department directive titled "**Traumatic Incident Stress Management Program**."

NOTE: If hospitalized as a result of the a firearm discharge incident, the member will be contacted by a counselor pursuant to the Department directive titled "**Traumatic Incident Stress Management Program**."

- 2. be placed on administrative duty status for a period of thirty days in their unit of assignment or detail as described in Item VII of this directive.
- 3. attend the firearms training overview as described in Item VIII of this directive.

VI. MANDATORY ALCOHOL AND DRUG TESTING

The mandatory post-firearm-discharge alcohol and drug testing will be conducted following the below procedures:

- A. The BIA call-out supervisor will:
 - 1. contact the Street Deputy/designated incident commander responsible for the investigation, as appropriate, and respond to the designated location to conduct the alcohol and drug testing.
 - 2. complete and submit a "Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident" ([CPD-44.252](#)).
- B. The BIA call-out supervisor will ensure:
 - 1. the involved member submits to the alcohol breath test and will conduct the test according to Department policy.
 - 2. the alcohol breath test result is provided to the Street Deputy/designated incident commander responsible for the investigation, as appropriate.
 - 3. the involved member submits to the drug test and a urine specimen is:
 - a. collected in a manner that will preserve the dignity of the involved member and ensure the integrity of the sample.
 - b. collected in the presence of a supervisor of the same sex as the involved member.

- c. retained by the BIA call-out supervisor who will assume the responsibility for ensuring the urine specimen is properly secured in accordance with established bureau-level standard operating procedures, pending processing by a medical laboratory.
4. the alcohol and drug testing occurs as soon as practicable after the firearm-discharge incident given the overall demands of the investigation.

NOTE: The Street Deputy/designated incident commander responsible for the investigation will ensure testing is initiated as soon as practicable, but no later than six hours following the firearm-discharge incident.

5. copies of any associated reports, including the testing and results documentation, are forwarded to COPA once the testing is completed.
- C. If the involved member refuses to provide a breath test or urine specimen pursuant to this process, it is a violation of the Department Rules and Regulations (i.e., disobedience of an order or directive whether written or oral), and will result in administrative charges against the member, which may include discipline up to and including separation.
- D. No discipline will occur based solely on the results of the alcohol test when the member's actions are consistent with the Department's Use of Force policy and the member discharged their weapon off duty.

VII. ADMINISTRATIVE DUTY ASSIGNMENT

- A. Department members who have discharged a firearm, other than an unintentional discharge or solely for the destruction/deterrence of an animal where no one was injured, will be placed in a mandatory administrative duty assignment for a minimum period of thirty (30) days within the member's unit of assignment or detail.
- B. The administrative duty assignment will begin the day after the firearm-discharge incident.
- C. This assignment is not a punitive measure and not dependent upon the determination by any investigative body responsible for a review of the firearm discharge incident. No connotation as to the appropriateness of the member's actions will attach to a member's administrative assignment.

REMINDER: Department members who have discharged a firearm and are placed on mandatory administrative duty assignment are reminded that the incident and the use of force will be thoroughly investigated consistent with existing Department policy. Additionally, Department members are reminded that discipline, up to and including separation from the Department, may be administered for any misconduct or violations of policy, including use of force that was determined to be excessive.

- D. Department members will be returned to regular field duties **only after all of the following requirements are completed:**
 1. a minimum of thirty (30) calendar days of administrative duty assignment,
 2. the requirements of the Traumatic Incident Stress Management Program as delineated in the Department directive titled "**Traumatic Incident Stress Management Program**,"
 3. the critical incident overview training course held by the Training Division's Firearms Training Unit,
 4. any other training curriculum determined by the Training Division, and
 5. the Department member is officially returned to field duties by the First Deputy Superintendent, Office of Operations.
 - a. The First Deputy Superintendent, Office of Operations, will individually evaluate each mandatory administrative duty assignment, including the completion of the above requirements, to determine if any extension of the administrative duty assignment is warranted.

- b. Any extension of the thirty day administrative duty assignment will be:
 - (1) consistent with the requirements of this directive and involved member's collective bargaining agreement, and
 - (2) approved and provided in writing by the First Deputy Superintendent, Office of Operations.
- E. A Department member assigned to an administrative duty assignment will:
 - 1. provide administrative support functions for the member's unit of assignment or detail at the direction of the unit commanding officer.
 - 2. report as directed to the Traumatic Incident Stress Management Program and participate in any other mandated Department training.
 - 3. submit a To-From-Subject Report to the First Deputy Superintendent, Office of Operations, through their unit commanding officer identifying any approved furlough, other approved elective time, and any pre-approved voluntary special work opportunities scheduled during the member's administrative duty assignment.
 - 4. not be denied the opportunity to:
 - a. work any approved voluntary special work opportunities and will work the scheduled opportunity in an administrative capacity as long as it is consistent with the assigned responsibilities.
 - b. request a voluntary special work opportunity for the upcoming months based on the activity requirement not attained due to the mandatory administrative duty assignment.
 - c. bid for recognized vacancies or apply to posted non-biddable sworn duty assignment opportunities.
- F. The on-scene Street Deputy or assigned incident commander will ensure eligible Department members are placed on a thirty (30) day administrative duty assignment and will notify:
 - 1. the Office of the First Deputy Superintendent, Office of Operations, by Department email,
 - 2. the Department member's:
 - a. bureau chief by Department email,
 - b. unit commanding officer by Department email, and
 - c. unit of assignment or detail via the Document Management System.
- G. Unit commanding officers will ensure:
 - 1. all supervisory members report any unusual changes in behavior shown by the involved Department member and report the unusual changes to the Traumatic Incident Stress Management Program and the Office of the First Deputy Superintendent, Office of Operations.
 - 2. all additional assistance is provided to the involved Department member, including the use of the Professional Counseling Division/Employee Assistance Program (E.A.P.), as needed.
 - 3. that an immediate notification is made to the Office of the First Deputy Superintendent, Office of Operations, when the involved member not requiring hospitalization has failed to contact a counselor within 24 hours or failed to participate in the Traumatic Incident Stress Management Program within 72 hours consistent with the Department directive titled "**Traumatic Incident Stress Management Program.**"
 - 4. the administrative duty assignment procedures are followed for any medical time, furlough, or any other elective time off as well as any pre-approved voluntary special work opportunities scheduled during a member's administrative duty assignment.

5. the involved member's administrative duty assignment is documented on the Automated Daily Attendance and Assignment (A&A) Record under the temporary change of watch or additional assignment explanation field indicating "post-firearm discharge administrative assignment."
 6. steps are taken to protect Department members as delineated in the Department directive titled "**Protection of Department Members**."
- H. The Training Division will develop an individualized training curriculum for Department members placed in a mandatory administrative duty assignment. This training will be in addition to the eight-hour critical incident overview training course held by the Training Division's Firearms Training Unit.

NOTE: The Training Division will notify the Office of the First Deputy Superintendent, Office of Operations, if the Department member fails to complete any assigned individualized training.

- I. The Office of the First Deputy Superintendent, Office of Operations, will:
 1. monitor the administrative duty status of Department members placed in a mandatory administrative duty assignment.
 2. ensure that the Department members are returned to normal field duties upon completion of the thirty (30) calendar day period and return to field duty requirements **unless an extension is determined by the First Deputy Superintendent, Office of Operations.**
 3. ensure a Thirty Day Administrative Duty Assignment Checklist ([CPD-12.124](#)) is completed for each Department member placed in a mandatory administrative duty assignment.
 4. notify the Department member's unit commanding officer by Department email and the member's unit of assignment or detail via the Document Management System when a member is to be returned to field duties.

NOTE: A supervisor from the Office of the First Deputy Superintendent, Office of Operations, will verify that the Department member has completed all return to field duty requirements including the requirements of the Traumatic Incident Stress Management Program.

VIII. POST-FIREARM DISCHARGE TRAINING

- A. Department members who have discharged a firearm, other than an unintentional discharge or solely for the destruction/deterrence of an animal where no one was injured, will attend a post-firearm discharge training scheduled by the Training Division's Firearms Training Unit. Held monthly, the eight-hour training may include, but is not limited to, the following topics: the use of deadly force, alternative force options, de-escalation, trauma-informed techniques, implicit bias, tactics for patrol, and ethics.
- B. Attendance at this training is mandatory and not dependent upon the determination by any investigative body responsible for a review of the firearm-discharge incident. No presumption as to the appropriateness of the member's actions will attach to a member attending the training.
- C. The training is limited to Department members and their partners who were involved in a firearm-discharge incident or who were fired upon during an incident.
- D. The Bureau of Internal Affairs will notify the Deputy Chief, Training and Support Group, of the Department members mandated to attend the training.
- E. The training will be considered a tour of duty. Participants will wear the field uniform of the day.
- F. Notification Procedure
 1. The Deputy Chief, Training and Support Group, will notify unit commanding officers of the existence of members under their command who are required to attend a scheduled post-firearm discharge training.

2. Upon receipt of the list of members who are required to attend a scheduled training, the unit commanding officer will determine which of the listed members are scheduled for a regular work day on the designated training date. Members will attend the training only when it is on their regularly scheduled work day.
 - a. The unit commanding officer will supply these members with the name and telephone number of the contact person at the Training Division.
 - b. The unit commanding officer will inform these members they are required to attend the scheduled training and ensure these members are notified through the CLEAR automated court notification application.
 - c. If scheduled for a post-firearm discharge training but unable to attend due to circumstances unknown at the time of the scheduling (e.g., medical roll, court date), the member will notify their unit commanding officer and the designated contact person at the Training Division as soon as these circumstances become known.
 - d. The unit commanding officer will inform the Training Division of members who are on the medical roll or scheduled for a regular day off on the date of the training. Those members will be rescheduled for the next session of the training.

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20-120 MWK/TSS

GLOSSARY TERMS:

1. **Zone of Safety**

The distance to be maintained between the person and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the person, surrounding area).