



# Campbell Police Department Policy and Procedures

Subject <b>USE OF FIREARMS/DEADLY FORCE</b>		Policy # <b>1.2</b>	
Division <b>ALL SWORN POLICE PERSONNEL</b>	Effective Date <b>01-06-2021</b>	Last Updated <b>01-06-2021</b>	Pages <b>3</b>

## 1. PURPOSE AND SCOPE

This order governs the use of force by personnel and specifies areas relating to the following:

- A. Officers are directed to use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of great bodily harm or death.
- B. Use of deadly force against a fleeing felon must comply with all statutory requirements.
- C. Use of warning shots is generally prohibited.
- D. Sworn personnel must receive and understand this chapter before being authorized to carry any firearm.
- E. Use of firearms will be in compliance with standards of the law enforcement community, department policy and the law.

## 2. DEFINITIONS

- A. **Deadly Force:** Any use of force that is likely to cause death.
- B. **Deadly Force Requirement:** With the subject causing imminent danger of great bodily harm or death to yourself or others, and other tactics have been exhausted or would be ineffective, department policy directs you to stop the subject's actions with the use of deadly force.
- C. **Great Bodily Harm:** (*WI State Statute 939.22*) Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- D. **Imminent:** Likely to occur at any moment; impending.
- E. **Graham V. Connor:** The United States Supreme Court Case that ruled that force is only to be applied by law enforcement officers when such use is "objectively reasonable" in a given situation, as determined by a "reasonable officer" at the scene. The factors which, in general, determine whether force is "objectively reasonable" include:

1.1: Use of Force

1. The severity of the alleged crime at issue,
2. Whether the suspect poses an imminent threat to the safety of officers and/or others,
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

**F. Tennessee V. Garner:** The United States Supreme Court Case which strikes down fleeing felon rules and states a law enforcement officer would not be justified in shooting to stop someone from fleeing whom is known to have committed only a property crime or who has apparently committed a felony or misdemeanor that does not endanger life or threaten serious bodily harm.

**G. Imminent Threat Criteria:** Weapon, Intent and Delivery System. To be justified in using deadly force the subject's threat must have all three criteria.

**H. Target Requirements:** Target Acquisition, Target Identification, and Target Isolation.

**I. Greater Danger Exception:** Allows an officer to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

### 3. PROCEDURES

#### A. Mandatory/Minimum Training

1. All new officers shall at a minimum be trained on General Orders 1.1 & 1.2 and successfully complete the department's firearm qualification(s) prior to being allowed to assume patrol activities.
2. Annually each sworn officer shall complete the department's firearm qualification(s) for each firearm the officer may use for duty (*i.e. hand gun, shot gun, rifle, etc.*).
3. The Chief of Police or his/her designee is responsible to ensure mandatory/minimum training standards are met and documented.

#### B. Use of Deadly Force

Use of deadly force is justified under the following:

1. As a last resort in the defense of oneself when s/he reasonably believes s/he is in imminent danger of death or great bodily harm.
2. As a last resort in the defense of another who the officer reasonably believes is in imminent danger of death or great bodily harm.
3. As a final alternative to effect an arrest or prevent escape of a fleeing felon who the officer reasonably believes has committed a felony involving actual or threatened use of deadly force and the officer has belief that the suspected felon poses a significant threat of death or great bodily harm to people if not immediately apprehended.
4. When feasible, before using a firearm for deadly force, officers will identify themselves as a Police Officer and give verbal commands unless, due to tactical considerations, doing so would create more danger to the officer or others.

#### C. Restrictions on the use of a firearm as deadly force:

1. Warning shots are generally prohibited.
2. No shooting from or at a moving vehicle unless 3 B-1 or 2 apply.
3. Firearms should not be used if the target suspect is not clearly visible or if innocent parties may be injured by use of such force, unless the greater danger exception can be asserted.

4. Limited when the officer has doubt as to legal justification.
5. Not to brandish, display as a threat any weapon unless its use is anticipated.

**D. Required Notifications and Reports upon Use of Force.**

1. When any officer discharges a firearm as part of his/her official law enforcement duties, whether intentional or accident, on duty or off duty, the officer shall immediately notify the Chief of Police or his/her designee.
  - a. Depending on the nature of the discharge, the officer shall complete reports and/or a memorandum as dictated by the department. Copies of all documents associated with the discharge shall be routed to the Chief of Police.
  - b. This section is not intended to govern any departmental training or recreational firearm.

**E. Great Bodily Harm/Death**

1. Any application of deadly force or firearm deployment that results in great bodily harm or death will be considered an Officer Involved Critical Incident.

**F. Use on Animals**

1. Use of firearm to terminate an injured animals suffering is not considered deadly force as it does not involve human life. Firearms may be used:
  - a. As a last resort to terminate an injured animal suffering.
  - b. If your firearm is used against an animal notify LEDC and a supervisor as soon as possible and complete a Response to Resistance Report circling ANIMAL to document discharge of the weapon.
  - c. Contact your supervisor to account for duty rounds used and for replacement of same rounds.