



Use of Force Recommendation 21 & 32

Recommended changes for DPM 2.1.20

-Firearm Use-

Shooting at or from a moving vehicle



Agenda

- Objective
- Recommendation Highlights
- Current Policy
- Gap Analysis
- Industry Trends
- Pros and Cons
- Proposed Action
- Questions



Objective

- *Simplify policy to provide clarity.*



Recommendation Highlights

- 21- Include Prohibition Against Shooting at Moving Vehicles
- 32- Simplify Language to Indicate Shooting at or From Moving Vehicle is Prohibited with Exceptions

Current Policy DPM 2.1.20

- Shooting at a Motor Vehicle / Occupant
 - A Department member shall not discharge a firearm at an occupant of a moving vehicle unless the officer reasonably believes that:
 - The subject poses an immediate threat of death or serious physical injury to the officer or another person; AND
 - There is no reasonable alternative course of action for the officer to prevent the death or serious physical injury
 - If at all possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
 - Discharging a firearm at a vehicle solely in an attempt to disable the vehicle is generally prohibited.
 - Bullets fired at a moving vehicle are extremely unlikely to stop or disable the moving vehicle.



Current Policy DPM 2.1.20

- Shooting at a Motor Vehicle / Occupant (cont)
 - If it becomes necessary for officers to shoot at a moving vehicle, the following ramifications shall be considered:
 - Moving vehicles present a rapidly changing field of fire.
 - If the driver is incapacitated, the vehicle would be uncontrolled.
 - The action could create a danger to the public that outweighs the reason the deadly force was initially used.



Gap Analysis

- Recommendation

“Shooting at or from a moving vehicle is prohibited unless someone inside the vehicle is using or threatening deadly physical force by means other than the vehicle itself. The only exceptions are an apparent act of terrorism when the vehicle is being used as a weapon of mass destruction, or as a dangerous instrument.”

- Current Policy

Discussed in previous slides.



Industry Trends

- **IACP:**
 - Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle
- **Departments across the country prohibit shooting at or from a moving vehicle.**



Industry Trends-Examples

- **Sierra Vista PD:**

- Officers shall not discharge their weapons at a moving vehicle unless it is necessary to do so to protect the life of the officer or others. In such case, the shots will be directed at the perpetrators and not at the structure of the vehicle itself. Officers shall not fire shots from a moving vehicle, unless it is necessary to do so to protect the life of the officer or others.

- **Chandler PD:**

- Do not fire at or from a moving vehicle except when necessary for self defense or in defense of another person's life and all reasonable means have been exhausted against the suspects use of deadly force
- Do not shoot from or at a moving vehicle except when necessary in self defense or in defense of another person's life when all other reasonable means have failed, and then only when the use of the officer's firearm creates no substantial risk to innocent persons.



Pros and Cons

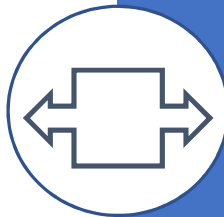
Mesa PD policy is following best practices. (*Industry trend*)

*List the reasons **for** adopting the recommendation*

- *Simplification*
- *Provides clear direction*

*List the reasons **against** adopting the recommendation*

- *Eliminates Guidelines*



Proposed Action

- Approve policy recommendation to provide concise, clear, direction.



Questions