


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "DISCHARGE OF FIREARMS AND LESS LETHAL WEAPONS"		ORDER NUMBER: 12-07	
		PLEAC STANDARD: 1.3.3, 1.3.6 a		PAGE 1 OF 7	
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1.0 POLICY OR PURPOSE

1.1 To provide policy regulating the discharge of firearms and less lethal weapons by members of the Pittsburgh Bureau of Police.

2.0 USE OF DEADLY FORCE

2.1 Pittsburgh Bureau of Police personnel will refer to General Order #12-06, "Use of Force" and #12-10, "Critical Incidents Involving Police", which shall continue in effect as the Bureau policies regarding the utilization, reporting, and investigation of both deadly and non-deadly force.

2.2 In the event of a conflict between this order and statutes or case law, the more restrictive shall control.

3.0 DEFINITIONS

- 3.1 Firearm - This includes primary service firearms, secondary firearms, shotguns, rifles, and any less-lethal applications that require documentation as a level of force or an unintentional discharge.
- 3.2 Less-Lethal (Munitions) Application - The use of kinetic energy projectiles, when deployed to specific areas of a suspect's body, that are considered less likely to cause death or serious physical injury.
- 3.3 Kinetic Energy Impact Devices - A flexible baton round (bean bag) that can be deployed from a distance to strike a subject and cause the subject to stop aggressive actions through pain compliance.
- 3.4 Less Lethal Force - Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.
- 3.5 Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent person under similar circumstances.
- 3.6 Critical Incident Firearm Discharge - Any incident involving a firearm or less-lethal firearm, during which a PBP member, while acting in an official capacity, causes critical bodily injury or death to any person, as well as any intentional shootings, in which a PBP member discharges a firearm at a subject as a use of force. Critical incident firearm discharges would include, but are not limited to:
 - Intentional and accidental shootings which result in bodily injury or death as a result of a gunshot wound;
 - Intentional and accidental use of any other less-lethal firearms, which causes critical bodily injury or death to any person.
- 3.7 Investigators - The Violent Crime Unit (VCU) or Allegheny County Police Department (ACPD) as per signed MOU, or other law enforcement agency.

4.0 DISCHARGE OF FIREARM

4.1 Firearms may be discharged in the performance of police duties only under the following circumstances:

4.1.1 When necessary to protect oneself against a clear and present danger of death or serious bodily injury.

- 4.1.2 When necessary to protect a third person against a clear and present danger of death or serious bodily injury.
- 4.1.3 When the officer believes both that:
 - 4.1.3.1 Such force is necessary to prevent the arrest from being defeated by resistance of escape; *and*
 - 4.1.3.2 The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.
- 4.1.4 To kill a dangerous or seriously wounded animal when other disposition is impractical.
- 4.1.5 At an approved training session on the police range.
- 4.2 Warning shots are prohibited for the following reasons:
 - 4.2.1 Warning shots may cause injury to innocent persons.
 - 4.2.2 Warning shots may prompt a suspect to return fire even though his original intent was to flee.
 - 4.2.3 Warning shots may be mistaken by other officers as coming from the suspect and cause further unnecessary shooting.
 - 4.2.4 Errant warning shots can be the basis for liability for the Bureau of Police, as well as the officer.
- 4.3 In accordance with the United States Supreme Court case Tennessee vs. Garner (1985), a PBP member shall identify him/herself as a law enforcement officer and warn of his/her intent to use deadly force, when feasible.
- 4.4 A police officer shall not discharge a firearm under conditions where it is likely that an innocent person may be injured. The only exception is a situation where an officer, or third party, is faced with immediate death or serious bodily injury and the officer has done everything reasonably necessary to avoid the use of deadly force.
- 4.5 An officer shall not discharge his or her firearm at a moving vehicle or the occupants of a moving vehicle unless the occupants are using deadly physical force against the officer or another person present by means other than the vehicle. The only exception would be when the vehicle is being operated as a weapon and an officer, or a third party, is faced with immediate death or serious bodily injury and the officer has done everything reasonably necessary to avoid the use of deadly force.
 - 4.5.1 Shooting at a moving vehicle with a firearm is unlikely to immediately stop or disable the vehicle.
 - 4.5.2 Shooting at a moving vehicle could cause injury or death to innocent persons in the vehicle or could strike the driver causing the vehicle to go out of control and cause death or injury to innocent parties (uninvolved pedestrians and motorists).
 - 4.5.3 When 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.
- 4.6 A police officer shall not discharge their firearm from a moving vehicle unless an officer, or third party, is faced with immediate death or serious bodily injury and the officer has done everything reasonably necessary to avoid the use of deadly force. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
- 4.7 Any discharge of a firearm, other than routine firearms training or the humane destruction of an animal that is wounded, rabid, or otherwise has the potential to cause a public hazard will require a mandatory drug/and or alcohol testing of the officer. This includes all firearm discharges documented as a level of force, less-lethal firearm discharges, discharges to destroy an attacking animal and unintentional firearm discharges. The supervisor initiating the mandatory testing will complete a special which will be forwarded through the chain of command to the Chief of Police, or his/her designee. (*Refer to General Order #17-10, "Drug and Alcohol Policy."*)

5.0 SAFE HANDLING OF FIREARMS

- 5.1 Except for general maintenance, storage, inspections, or authorized training, officers shall not draw or exhibit their weapons unless under circumstances which create reasonable cause to believe it may be necessary to lawfully use such firearm in conformance with other sections of this policy.
- 5.2 Carelessness, horseplay, or disregard for the safety of others in the use or handling of firearms is strictly prohibited and subject to disciplinary action.

6.0 REPORTING DISCHARGE OF FIREARM

- 6.1 Each firearm discharge shall be reported to the member's immediate supervisor whether or not someone is injured by such discharge. This includes all firearm discharges documented as a level of force, less-lethal firearm discharges, and unintentional discharges.
- 6.2 It shall be the responsibility of any involved officer to ensure the shift supervisor in the zone where the incident occurred is notified by way of the police radio channel used for that zone. The broadcast will be made on channels 1, 2, or 3. (Notifications will not be transferred to another channel.)
 - 6.2.1 Radio notification is not required be when shots are fired during firearms qualification at the range.
 - 6.2.2 Mere notification to communications of a firearm discharge does not override the response to a "shots fired" detail dispatched close in proximity to the known firearm discharge incident.
- 6.3 It shall be the responsibility of any officer on the scene or having knowledge of such an incident that it is reported immediately to his/her immediate supervisor.
- 6.4 It shall be the responsibility of the responding shift supervisor to ensure that a Commander is notified immediately.
 - 6.4.1 Commanders will be notified in the following manner:
 - 6.4.1.1 Commander of the involved officer
 - 6.4.1.2 Duty Commander if after normal business hours
 - 6.4.1.3 Assistant Chief of the involved officer's branch if a Commander is not immediately contacted
 - 6.4.2 For holidays, weekends, etc.
 - 6.4.2.1 Duty Commander
 - 6.4.2.2 Commander of involved officer
 - 6.4.2.3 Assistant Chief of the involved officer's branch if a Commander is not immediately contacted
- 6.5 It shall be the responsibility of the responding shift supervisor to ensure that the Director of Public Safety is notified immediately of a weapons discharge (outside of humane animal discharge).
 - 6.5.1 The Director of Public Safety will be notified in the following manner:
 - 6.5.1.1 Text Notification (i.e., Advise dispatch to notify the Director and Command Staff)
 - 6.5.1.2 Email the Director and include the Chain of Command
- 6.6 Discharges Outside the City of Pittsburgh
 - 6.6.1 In the event that a PBP member is outside the City of Pittsburgh and discharges their firearm or less lethal firearm as a level of force, as an unintentional discharge, or for the dispatching of an animal, the member shall immediately notify their Commander and/or the Duty/Watch Commander, whether or not someone is injured by such discharge.
 - 6.6.2 Allegheny County Emergency Services via can help facilitate notification to the appropriate Commander. This notification can be made via phone if the officer does not have their radio available at the time of the incident.

6.6.3 The Commander will ensure the appropriate notifications are made to the Director of Public Safety and the appropriate supervisors in the Chain of Command.

7.0 CRITICAL INCIDENT FIREARM DISCHARGE

7.1 Pittsburgh Bureau of Police personnel will refer to General Order #12-06, "Use of Force" and #12-10, "Critical Incidents Involving Police" which shall remain in effect as the Bureau policies governing the use, reporting, and investigation of deadly force resulting in death or critical injury to another person.

7.2 The following procedures shall apply for all Critical Incident Firearm Discharges (*Refer to General Order #12-10, "Critical Incidents Involving Police"*):

7.2.1 An officer who discharges a firearm is required to notify communications immediately via police radio. The officer involved will immediately report the incident to his or her shift supervisor.

7.2.2 The Zone Shift Supervisor shall respond immediately and secure the scene pending the arrival of Investigators. The Supervisor will notify EOC via police radio and request that PBP Command and Major Crimes Supervisor be notified. The Supervisor will request the EOC notify Allegheny County Police Department (ACPD). The ACPD will contact the Zone Shift Supervisor for a briefing on the incident and confirm whether or not they will investigate the incident. In the event the ACPD declines, the Supervisor will request the Violent Crime Unit (VCU) will respond and conduct the investigation.

7.2.3 The Shift Supervisor will remain in charge of the critical incident until relieved by the Duty/Watch Commander, Zone Commander or Major Crimes Commander. All personnel on scene of equal or lesser rank will report to the Major Crimes Commander. The Major Crimes Commander will serve as the liaison if the ACPD or another agency is designated to investigate the incident.

7.2.4 The officer involved will complete and submit PBP Form #10.10, "Subject Resistance Report Form", PBP Form #9.10, "Weapon Discharge Report", and any other required or necessary documents for the incident in question following the 48 hours delayed interview period unless the Chief of Police or their designee requires the involved officer to complete the required reports prior to being released from duty.

7.2.5 The VCU supervisors will review and sign the PBP Form #10.10, "Subject Resistance Report" and the PBP Form #9.10, "Weapon Discharge Report" in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will then be forwarded to the Major Crimes Commander.

7.2.6 All reports will be reviewed by the Major Crimes Commander. The Major Crimes Commander will sign the "Subject Resistance Report Form" and the "Weapon Discharge Report" in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will be forwarded through the chain of command to the Office of the Chief of Police, who will personally review all incidents and a copy of the final report will be forwarded to the involved officer's Commander.

7.3 A member of the Training Academy's Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving a critical incident discharge of a firearm.

8.0 NON-CRITICAL INCIDENT FIREARM DISCHARGE

8.1 Pittsburgh Bureau of Police personnel will refer to General Order #12-06, "Use of Force" which shall remain in effect as the Bureau policy governing the reporting of any non-critical incident firearm discharge.

8.2 When a firearm is discharged, but is not considered a critical injury firearm discharge the following procedures shall apply:

8.2.1 An officer who discharges a firearm is required to notify communications immediately via police radio. The officer involved will immediately report the incident to his or her shift supervisor.

- 8.2.2 The Shift Supervisor shall immediately notify the Zone Commander, Duty/Watch Commander, the Violent Crimes Unit (VCU), and the Collision Investigation Unit (CIU), if applicable, by radio, and make all additional notifications which are warranted by the circumstances of the incident.
- 8.2.3 VCU shall immediately respond and assume command of the investigation and make a determination as to whether or not the discharge was justified and consistent with Bureau policy.
- 8.2.4 The officer involved will complete and submit PBP Form #10.10, "Subject Resistance Report Form", PBP Form #9.10, "Weapon Discharge Report", and any other required or necessary documents for the incident in question before they are relieved from duty (end of tour, etc.).
- 8.2.5 The VCU supervisors will review and sign the PBP Form #10.10, "Subject Resistance Report" and the PBP Form #9.10, "Weapon Discharge Report" in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will then be forwarded to the Major Crimes Commander.
- 8.2.6 All reports will be reviewed by the Major Crimes Commander. The Major Crimes Commander will sign the "Subject Resistance Report Form" and the "Weapon Discharge Report" in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will be forwarded through the chain of command to the Office of the Chief of Police, who will personally review all incidents and a copy of the final report will be forwarded to the involved officer's Commander.
- 8.3 The Training Academy's Firearms Section will conduct a debriefing on all non-critical incident firearm discharges.

9.0 UNINTENTIONAL DISCHARGE OF FIREARMS (NO INJURY AND/OR DEATH)

- 9.1 When a firearm is discharged unintentionally, and no death or injury resulted, the following procedures shall apply:
- 9.1.1 An officer who discharges a firearm is required to notify communications immediately via police radio. The officer involved will immediately report the incident to his or her shift supervisor.
- 9.1.2 The Zone Shift Supervisor will contact the VCU Supervisor to provide a briefing on the incident and confirm whether or not they will investigate the incident. If the VCU Supervisor determines the investigation can be completed at the Zone level, the Shift Supervisor will conduct the investigation. The investigation will determine the circumstances surrounding the incident and will determine whether or not the discharge was justified and consistent with Bureau policy.
- 9.1.3 The officer involved will complete and submit PBP Form #9.10, "Weapon Discharge Report", and any other required or necessary documents for the incident in question before they are relieved from duty (end of tour, etc.).
- 9.1.4 The VCU supervisor or the Shift Supervisor will sign the back of the "Weapon Discharge Report" in the appropriate space, along with his or her conclusion and recommendations. This report will then be forwarded through the chain of command to the Office of the Chief of Police, who will personally review all incidents and a copy of the final report will be forwarded to the involved officer's Commander.
- 9.1.5 The Training Academy's Firearms Section will conduct a debriefing on all unintentional discharges that do not result in injury or death.

10.0 DESTRUCTION OF AN ANIMAL

- 10.1 When a weapon is discharged to destroy an animal, and the discharge is not a documented level of force, PBP Form #9.10, "Weapon Discharge Report" will be forwarded through the chain of command to the Office of the Chief of Police.

11.0 KINETIC ENERGY IMPACT PROJECTILES

- 11.1 The decision to use impact projectiles shall be made based upon the actions of the subject or threats facing the officer and the totality of the circumstances of the incident. The use of this device must be reasonable and necessary.

11.1.1 Impact projectiles may be used in dangerous or high-risk situations where de-escalation is required but with a minimal potential for death or serious injury.

11.1.2 The use of kinetic energy impact projectiles is considered less lethal force when deployed to areas of the subject's body that are considered unlikely to cause death or serious bodily injury.

11.1.3 The use of kinetic energy impact projectiles is considered deadly force, if intentionally deployed to areas of the subject's body that are recognized as likely to cause serious bodily injury or death (head, neck, throat, chest or genital area).

11.2

11.3 Discharging Officer Responsibilities:

11.3.1 Officers shall not intentionally target the head, neck, throat, chest, or genital area unless deadly force is justified.

11.3.2 In circumstances where deadly force is not justified, officers should direct the beanbag round toward the following areas:

- Lower abdomen, at belt level
- Buttocks
- Arms above and below the elbow
- Thigh area
- Legs below the knee

11.3.3 Officer shall request a supervisor to respond to the scene.

11.3.4 Use verbal commands and point the bean bag gun at the subject prior to deployment.

11.3.5 Officers shall have lethal force cover present at time of deployment and shall use cover and distance to ensure officer safety.

11.3.6 Consider surroundings prior to deployment to reduce the risk of serious bodily injury to the subject or officers.

11.3.7

11.3.8 Persons who have been subjected to a bean bag round deployment shall be transported to a medical facility for evaluation and treatment.

- Transportation will be by the Medics;
- Officer will advise medical personnel that the person has been the subject of a bean bag round deployment;
- Officers shall obtain a hospital release form after treatment and release the subject back to police custody.

11.3.9 All spent munitions and cartridges will be collected and sent to the property room.

11.4 Supervisor Responsibilities:

11.4.1 Supervisors shall distribute less lethal shotguns to qualified personnel.

11.4.2 Supervisors shall respond to the scene and take overall command of the incident.

11.4.3 Ensure that all procedures on the use and deployment of bean bag rounds are followed.

11.4.4 Ensure that proper medical attention is afforded to the subject of the deployment and police officers or citizens, if necessary.

11.4.5 Notify the Duty Commander of the incident.

11.4.6 Ensure that PBP Form #10.10, "Subject Resistance Report" is completed.

11.4.7 Ensure that all reports associated with the incident are completed properly and submitted prior to the end of the tour of duty.

11.5 Training Academy Responsibilities:

11.5.1 Establish and maintain a training program for the less lethal kinetic energy impact projectiles.

11.5.2 Maintain a record keeping system to include officers trained and date of qualification or re-qualification.

11.5.3 Ensure re-qualification training for all officers trained in the use and handling of kinetic energy impact projectiles is completed once a year.

12.0 DISTRIBUTION OF REPORTS

12.1 A copy of the reports, after review by the Chief of Police, will be distributed to:

12.1.1 Chief of Staff

12.1.2 The Assistant Chief of Administration

12.1.3 The Assistant Chief of the branch of the involved officer

12.1.4 The Commander of the involved officer

12.1.5 The Director of the Training Academy

12.1.6 The Manager of OMI

12.1.7 The Director of Public Safety

Approved By:



Scott Schubert
Chief of Police