

PBP FORM 290  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...honor, integrity, courage, respect, and compassion."</i>		<b>SUBJECT:</b> <b>"DISCHARGE OF FIREARMS AND LESS LETHAL WEAPONS"</b>	<b>ORDER NUMBER:</b> 12-7
		<b>PLEAC STANDARD:</b> <b>1.3.3, 1.3.6 a</b>	<b>PAGE 1 OF 6</b>
<b>REVISE DATE:</b> 11/21/2016	<b>EFFECTIVE DATE:</b> 06/14/2014	<b>ANNUAL REVIEW DATE:</b> JUNE	<b>RESCINDS:</b> 13-002
		<b>AMENDS:</b> ALL PREVIOUS	

**1.0 POLICY OR PURPOSE**

1.1 To provide policy regulating the discharge of firearms by members of the Pittsburgh Bureau of Police.

**2.0 USE OF DEADLY FORCE**

2.1 Pittsburgh Bureau of Police personnel will refer to Procedural Order #12-6, "Use of Force" which shall continue in effect as the Bureau policy regarding the utilization and reporting 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 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.

**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 To kill a dangerous or seriously wounded animal when other disposition is impractical

4.1.4 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 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.
- 4.4 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.
- 4.4.1 Shooting at a moving vehicle with a firearm is unlikely to immediately stop or disable the vehicle.
- 4.4.2 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).
- 4.4.3 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.
- 4.5 An officer who discharges a firearm is required to notify communications immediately via police radio. The only times the discharge of a firearm does not require radio notification to communications shall be when shots are fired during firearms qualification at the range. 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.
- 4.6 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. (*Refer to Procedural 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 [REDACTED]

## **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.)
- 6.3 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 Written reports on the appropriate forms shall be made as soon as time and circumstances permit, but in no event later than the conclusion of the involved officer's tour of duty. If a member is unable to complete the forms for any reason, the member's immediate supervisor will submit the initial report.

## **7.0 FIREARM DISCHARGE WITH INJURIES**

7.1 Pittsburgh Bureau of Police personnel will refer to Procedural Order #12-6, "Use of Force" which shall remain in effect as the Bureau policy governing the use and reporting of deadly force resulting in death or injury to another person.

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

## **8.0 INTENTIONAL DISCHARGE WITH NO INJURIES**

8.1 When a firearm is discharged intentionally at a subject by an officer, whether or not death or injury occurs, the following procedures shall apply:

8.1.1 The officer involved will immediately report the incident to his/ her shift supervisor.

8.1.2 The shift supervisor The Shift Supervisor shall immediately notify the Zone Commander, Duty/Watch Commander, the VCU, and the Collision Investigation Unit (CIU), if applicable, by radio, and make all additional notifications which are warranted by the circumstances of the critical incident.

8.1.3 VCU shall immediately respond and assume command of all police critical incident investigations. (Refer to 12-10 Critical Incidents)

8.1.4 The officer involved will complete and submit a Subject Resistance Report Form, a Weapon Discharge Report, and any other required or necessary documents for the incident in question following the 48 hours delayed interview period.

8.1.5 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.

8.1.6 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.

8.1.7 A member of the Training Academy's Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving the intentional discharge of a firearm that results in no injuries.

## **9.0 UNINTENTIONAL DISCHARGE OF FIREARMS (NO INJURIES)**

9.1 When a firearm is discharged unintentionally, the following procedures shall apply:

- 9.1.1 The officer involved will immediately report the incident to his or her shift supervisor.
- 9.1.2 The VCU supervisor will conduct a investigation into the circumstances surrounding the incident and make a determination as to whether or not the discharge was justified and consistent with Bureau policy e.g., ensure that the discharge was not meant to serve as a warning shot, etc.
- 9.1.3 The officer involved will complete and submit a "Weapon Discharge Report", and any other required or necessary documents for the incident in question following the 48 hours delayed interview period.
- 9.1.4 The VCU 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 A member of the Training Academy's Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving the unintentional discharge of a firearm that result in injury or death.
- 9.1.6 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 ANIMAL**

10.1 When a weapon is discharged to destroy an animal, and the discharge is not a documented level of force, the "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**

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.

11.0.1 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.

11.0.2 The use of kinetic energy impact projectiles are considered less lethal force when deployed to areas of the subjects body that are considered unlikely to cause death or serious bodily injury.

11.0.3. The use of kinetic energy impact projectiles are considered deadly force, if intentionally deployed to areas of the subjects body that are recognized as likely to cause serious bodily injury or death (head, neck, throat, chest or solar plexus).

11.1

11.2 When using a less lethal platform/ shotgun beanbag shotgun, the recommended distance is no less than 20 feet and no more than 60 feet from a suspect. Beanbag rounds have an optimal effective range of 15 to 60 feet with a maximum effective range of 60 feet.

11.3 Discharging Officer Responsibilities:

#### **\*Officers Shall not Target a Subject's Head, Neck or Genital Area**

Officers shall not target the head or neck unless deadly force is justified.

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

11.3.1 Officer shall request a supervisor to respond to the scene;

11.3.2 Use verbal commands and point the bean bag gun at the subject prior to deployment;

11.3.3 Shall have lethal force cover present at time of deployment and shall use cover and distance to ensure officer Safety;

11.3.4 Consider surroundings prior to deployment to reduce the risk of serious bodily injury to the subject or officers;

11.3.5

11.3.6 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 subject has been the subject of a bean bag round deployment;
- Officers shall obtain a hospital release form after treatment and release back to police custody.  
(PLEAC 1.3.5)

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

#### 11.4 Supervisor Responsibilities:

11.4.1 Supervisor shall distribute less lethal shotguns to qualified personnel.

11.4.2 Supervisor shall respond to the scene and take overall command of the incident;

11.4.3 Shall ensure that all procedures on the use and deployment of bean bag rounds are followed;

11.4.4 Shall 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 a Department Use of Force 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 Officer 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 REPORT

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

- 12.1.1 The Executive Officer Commander
- 12.1.2 The Assistant Chief of Office of Professional Standards
- 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

Approved By:

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Scott Schubert  
A/Chief of Police