



OFFICE OF
PUBLIC SAFETY

CHARLES JORDAN
COMMISSIONER

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503 248-4682

MEMORANDUM

DATE: April 22, 1980
TO: Commissioner Jordan
FROM: Bill Rhodes
SUBJECT: Draft of a proposed G.O. on Use of Deadly Force

I have just finished reviewing the 1977 publication Police Use of Deadly Force by the Police Foundation. They surveyed police agencies across the country, and came up with a "basic policy" statement. Their suggestion is very close to that proposed by your police bureau:

PORTLAND:

POLICY: USE OF DEADLY FORCE

Bureau policy authorizes, in a police action, the use of deadly physical force only when the officer reasonably believes that such force is necessary to protect the officer or another person from death or serious physical injury, or to apprehend a dangerous felon.

POLICE FOUNDATION:

A officer may use deadly force:

1. To defend himself or herself, or another person, from what the officer reasonably perceives as an immediate threat of death or serious injury, when there is no apparent alternative.
2. To apprehend an armed and dangerous subject, when alternative means of apprehension would involve a substantial risk of death or serious injury, and when the safety of innocent bystanders will not be additionally jeopardized by the officer's actions.

Part 2 of the Police Foundation version goes into detail that could just as well be in a related training bulletin. There is a difference of one word that should be considered: the PPB proposal says "...or to apprehend a dangerous felon." The Police Foundation says "to apprehend an armed and dangerous subject..."

However, the PPB definition of "dangerous felon" eliminates the authorization to use deadly force against suspects of less serious felonies such as car theft or burglary.

I would suggest approval of the proposed G.O., with recommendation that a detailed training bulletin be developed to go with it.

BR:mh



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CHARLES JORDAN
COMMISSIONER

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503 248-4682

MEMORANDUM

DATE: May 7, 1980
TO: Chief Bruce R. Baker
FROM: Commissioner Charles Jordan
SUBJECT: Proposed G.O. on the use of deadly force

I have the following concerns about the draft dated 5/1/80. Talk them over with your Use of Force Committee, and brief me before publishing the revised general order.

1. This is perhaps the most sensitive and critical general order in the police manual, and as such it needs an opening management philosophy statement to set the stage for the reader. There should be clarification of our concerns that the officers react without hesitation when their life, or another persons, is in immediate deadly peril, but that in other situations they think first of the value of human life.
2. I am aware that brevity may be best for this G.O. since citing an example opens the door to an endless list of possible circumstances and combinations of conditions. However, if not in the G.O., there will need to be a companion training bulletin to deal with questions not answered by the order:
 - a. Can shots be fired at or from a moving vehicle? Under what circumstances?
 - b. What counsel can we give when conditions allow the use of deadly force, but to do so involves great risk to innocent bystanders (i.e. an armed bank robber running into a crowd)?
 - c. The Police Foundation recommends the wording "to apprehend an armed and dangerous subject" whereas your draft omits the word armed. The definition of Dangerous Felon does not make clear whether or not an officer can shoot at a dangerous felon fleeing unarmed.
 - d. What do you suggest to clarify the degree of danger or type of arm? For example the difference of life endangerment between a sniper with a rifle a hundred yards away as compared to a man with a knife at 25'. The words "...appear to be capable of inflicting death or serious injury..." is used in some guidelines.

- e. This proposed G.O. concerns the use of deadly force but would it not be appropriate to include your policy on circumstances where an officer can draw his/her weapon?
- f. Should we give our officers the option of using their gun to end the suffering of a critically injured animal?

CJ:mh

2.09.010 Philosophy

In a complex urban society law enforcement officers are daily confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, persuasion, or by the use of physical force.

2.09.020 Policy

While the use of reasonable physical force may be necessary in situations which cannot otherwise be controlled, force may not be resorted to unless all other reasonable alternatives have been exhausted or would be clearly ineffective under the particular circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect themselves or others from serious bodily harm and, except as limited below, to carry out their assigned duties.

2.09.030 Firearms

As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.

Each and every situation requires an exercise of judgment. Even though a situation may satisfy Department criteria for the use of firearms, a police officer may not use a firearm unless all other reasonable alternatives have been exhausted or would appear to a reasonable police officer to be ineffective under the particular circumstances.

Common sense must always dictate reasonable action. An officer shooting a firearm at an individual does not necessarily shoot with the intent to kill, but he should realize that the loss of human life may occur.

Since society has given law enforcement officers the authority to use deadly force, society retains the right to censure the use of poor judgment on the part of law enforcement officers in applying that force. Therefore, any police officer who shall discharge a firearm at another person in violation of this ordinance (Initiative 15) shall be subject to disciplinary proceedings and punishment authorized by the City of Seattle Charter, Article XVI, including but not limited to reprimand, suspension without pay, demotion, and discharge.

*2.09.040 Use of Firearms

Officers are permitted and have the duty to use whatever force is reasonable and necessary to protect themselves or others from serious bodily harm. While engaged in the performance of duties of a Seattle Police Officer, an officer may discharge a firearm at another person when necessary to:

1. Defend himself or another person from death or serious bodily injury.
2. Apprehend, arrest or prevent the escape of a person, whom the officer reasonably believes from the evidence available, has committed:

Murder	Kidnapping
Manslaughter	Arson
Felonious Assault	Rape
Robbery	A Felony involving a bomb
Burglary	

3. Apprehend an escaped or rescued felon, who has been arrested for, convicted of, or committed for a felony.
 - *a. It is recommended that officers do not use firearms to apprehend an escaped or rescued felon unless the felony involved is one of those listed above.
- *4. A police officer may not use a firearm unless all other reasonable alternatives have been exhausted or would appear to a reasonable police officer to be ineffective under the particular circumstances.
5. Use of firearms must be based only on the facts known to the officer or reasonable assumptions made by the officer at the moment he/she discharges a firearm. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.
6. An officer will not be censured or disciplined if he/she chooses not to employ the use of firearms, even in those situations where the use of firearms is clearly authorized to effect the arrest of a fleeing felon.
- *7. The use of a firearm to kill an animal should be authorized by a supervisor when/where available. Otherwise, an officer may discharge a firearm to kill a dangerous animal or to kill an animal so badly injured that humanity requires its removal from further suffering, provided that it is not practical to secure the services of an officer of the Animal Control Service for that purpose.

*2.09.045 Use of Firearms Prohibited

Firearms shall not be discharged in the following cases:

1. In any misdemeanor or gross misdemeanor case.
2. As a warning.
3. To disable any vehicle, unless approved by a supervisor (as in kidnapping/hostage situations, etc.).
4. To apprehend an escaped or rescued misdemeanor or gross misdemeanor suspect(s) escaping from a jail or detention facility.
 - a. Even though escape from a detention facility is a felony, Seattle Police Officers may not use a firearm in these cases unless the suspect, "has been arrested for, convicted of, or committed for a felony." (Initiative 15). An exception is the protection of human life, as noted in Section 2.09.040,1.
5. When not in the line of duty.

NOTE: It is recommended that officers do not discharge a firearm from a moving vehicle or at a felony suspect in a moving vehicle. Empirical evidence involving the use of firearms in these cases verifies the futility and danger of these actions in most situations.

MEMORANDUM

DATE: October 9, 1980
TO: Commissioner Jordan
FROM: Bill Rhodes
SUBJECT: Use of Deadly Force

I recently reviewed the 1977 publication of Police Use of Deadly Force by the Police Foundation. They surveyed police agencies across the country, and came up with a "basic policy" statement. Their suggestion is very close to that proposed by your police bureau:

POLICE FOUNDATION RECOMMENDATION:

"An officer may use deadly force:

1. To defend himself or herself, or another person, from what the officer reasonably perceives as an immediate threat of death or serious injury, when there is no apparent alternative.
2. To apprehend an armed and dangerous subject, when alternative means of apprehension would involve a substantial risk of death or serious injury, and when the safety of innocent bystanders will not be additionally jeopardized by the officer's actions."

PORTLAND RECOMMENDATION:

"POLICY: USE OF DEADLY FORCE

Bureau policy authorizes, in a police action, the use of deadly physical force only when the officer reasonably believes that such force is necessary to protect the officer or another person from death or serious physical injury, or to apprehend a dangerous felon."

THEY DEFINE A ^{DAUGEROUS} FELON AS:

A person whom an officer reasonably believes has attempted to commit, or committed, a felony under circumstances involving a significant risk of death or serious physical injury to a person.

There is one-word difference that needs to be considered. One version says "...to apprehend an armed and dangerous subject," and the other "...to apprehend a dangerous felon." Conceivably, there could be situations where the more restrictive version (armed) would prevent an officer from stopping an escaping subject which should be apprehended, who has strangled the victim but is not armed. My preference is for the PPB version.

BR:mh

IF AT ALL POSSIBLE. FOR EXAMPLE A RAPIST-MURDERER...



MEMORANDUM

TO: Commissioner Jordan
FROM: Bill
DATE: December 17, 1980
SUBJECT: G.O. on use of deadly force

OFFICE OF
PUBLIC SAFETY

CHARLES JORDAN
COMMISSIONER

1220 S.W. FIFTH AVE.
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I think you've got it. Very clear and precise . . . if you start adding examples there will immediately be exceptions that need inclusion. For example, my first reaction was that something should be said about prohibiting shooting at moving vehicles, but then if someone is trying to run the officer down he/she will justifiably shoot to protect his/her life. That brings us back to the primary guideline.

There is one thing omitted from your draft that is often included: "An officer may discharge a firearm to kill a dangerous animal or to kill an animal so badly injured that humanity requires it's removal from further suffering, provided that it is not practical to secure the services of an animal control officer." If there is good 24-hour animal control service you may not need this exception.

There are a couple of humanistic thoughts which appeal to me (nice but not necessary):

1. Mary Lou's remark that "...in every case it is the officer's intent to stop, not to kill."
2. Commander Bernie Park's observation that an officer may be required to make that life or death decision, in a split second - not days or weeks to weigh the factors.

Your philosophy statement is a good one. Expansion on the concern for human life could go in the press release.

Bill

pdj

I agree the other elements should be in the Policy and they will be. I ~~was~~ am only dealing, here, with the controversial part.

BJS
[Handwritten initials]

Equitable Savings is people. RECEIVED

JAN 15 1981

PERSONNEL DEPT.

TO Senior Management
Middle Management
Accounting/Operations
Departments

DATE January 15, 1981
FROM Dennis Jenne
BRANCH/DEPT. Accounting/Operations
SUBJECT The Portland Police
Bureau's Activities

As a member of the Citizen's Advisory Committee for the City of Portland Police Budget that works with Commissioner Charles Jordan in attempting to answer significant questions regarding how the public views the Portland Police Bureau. I would appreciate any feedback you would provide regarding your opinions on the following questions:

1. When should the Portland Police Bureau use deadly force? The current guidelines for the use of deadly force indicate the officer should only use deadly force in order to protect himself, another officer, or a citizen. Do you feel the police officer's right to use deadly force in other situations should be incorporated. If so, please provide examples of situations during which you feel the officer should be entitled to use deadly force.

1. To apprehend a fleeing felon who the officer has witnessed committing felonious bodily harm or deadly force on another person.
2. To apprehend a fleeing escaped felon.

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

→ Absolutely. Since some of the policemen's civil rights are suspended in such investigations, there is a fair chance that the policeman is not getting a "fair shake."

I would appreciate your responses by Wednesday, January 21, 1981. Thank you for your time.

[Signature]
DJ:td

January 9, 1981

TO: LTD Personnel
FROM: Geary Zale, Connie McCann

The Portland Police Bureau's Activities

We are on a citizen's advisory committee that works with Commissioner Jordan in attempting to answer significant questions regarding how the public views the Portland Police Bureau. We would appreciate any feedback you would provide regarding your opinions on the following questions:

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2. Currently the internal affairs investigations within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

There are other Law Enforcement bodies (State, County, etc.) which could be consulted to assist with removing bias from situations otherwise likely to be so influenced. Citizens or others unfamiliar with law-

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

cc: Dick Easton
Steve Carter
Bob Hardin
Kelly Hayes
Pat Tryon

enforcement procedures/problems are ~~just~~ perhaps as likely to deliver biased assessments against officers as a board of people with which that officer (or officers) is likely to wink at certain mis-behavior.

January 9, 1981

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No

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

I have no opinion. However, I do not believe they should investigate "themselves." Citizens should somehow be incorporated into the investigations.

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

cc: Dick Easton
Steve Carter
Bob Hardin
Kelly Hayes
Pat Tryon

January 9, 1981

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I think the current policy outlines the only situations where deadly force should be used. I think that a review of each situation where deadly force is used should be standard procedure. I would suspect that this is already the case.

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

No. I don't feel that an objective investigation can be conducted internally. I think that outside committees, much like senate investigations, should be used.

Dan Stanisl

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:c1

cc: Dick Easton
Steve Carter
Bob Hardin
Kelly Hayes
Pat Tryon

January 9, 1981

TO: LTD Personnel
FROM: Geary Zale, Connie McCann

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I believe I agree with the current guidelines but I would want to know if the Police Force agree with it? If they don't I'd be interested in when the full "deadly force" should be used and why.

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

→ Maybe, but probably not. What have other citizens used successfully? Citizens overview group? Independent (of the Bureau) Investigators? County Sheriff's? Trial type proceedings outside the bureau?

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

cc: Dick Easton
Steve Carter
Bob Hardin
Kelly Hayes
Pat Tryon

Bob H.



January 9, 1981

TO: LTD Personnel

FROM: Geary Zale, Connie McCann

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Current guidelines seem appropriate. I would not, for example, suggest deadly force be used to protect property.

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

I am familiar with internal investigations only from fiction and television. However, those accounts, if substantially true, would seem to be appropriate. I'd rather not see police officers

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

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wrong through public hearings unless internal investigation suggested that the courtroom was appropriate for specific violations of conduct.

Steve Carter

January 9, 1981

TO: LTD Personnel
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Not too difficult!

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend?

Perhaps personnel assigned to investigative tasks should be rotated with other officers every 2 or 3 years. Hej

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

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January 9, 1981

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This guideline seems appropriate to me

2. Currently the internal affairs investigation within the Police Bureau are handled by personnel within the Investigations Department. Do you feel citizens are getting a "fair shake" by the Police Bureau's investigation of themselves? If not, what alternative forms of internal investigation would you recommend? *I don't think it makes sense for investigations to come from within. But I don't feel well informed enough to suggest a specific alternative.*

We know these are heavy-duty topics, but we would appreciate your responses by Wednesday, January 17, 1981. Thank you for your time.

GZ:cl

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Pat Tryon

Question #1

Police should use deadly force:

5 out of 13 - When they are pursuing a fleeing suspect.

- Pursuit of a felon who is known to be violent.
- Pursuit of an escaped felon.
- Suspect who has just committed a violent crime (that the officer has witnessed).
- Rapist attempting to get away.
- Regardless of what suspect has done - law abiding citizens have no reason to run.

2 out of 13 - When it is determined that a suspect is armed.

- If this is uncertain, police should be able to proceed in whatever way necessary to protect their lives and the lives of others.



- They should avoid hesitation because of guidelines, but have strict reprimand or expulsion for misuse, trends in bad judgement, etc.

2 out of 13 - When riot conditions exist.

- Should not be permitted just to protect property - only when riot is in evidence.
- "In situations of riot where destruction of property (public or private) is involved."

4 out of 13 - current guidelines are satisfactory.

Question #2

Alternative forms of internal investigation:

4 out of 13 - suggest a civilian advisory board to audit the completed investigation before the results are finalized.

- Panel should be made up of a wide variety of citizens (i.e. professionals and blue collar workers).
- The panel would assure that all investigations are completed in a timely manner.
- The panel could recommend situations to be investigated by internal affairs.
- Annual news release of areas investigated and results.

3 out of 13 - suggested outside independent auditors.

- Appeal process to an independent organization.
- "Government" act as auditor.
- "Reciprocal investigative program with other police forces."

1 out of 13 - suggested that the policeman is not getting a fair shake in investigations because his civil rights are suspended.

4 out of 13 - Adequate

*

Use of Deadly Physical Force

0/00/00

Already Indexed

0/00-00-00-00

SPECIAL INSTRUCTIONS: THIS ORDER SUPERCEDES G.O. 1010.00

Refer: Appendix A: Duties and Responsibilities When Deadly Physical Force is Used Inside Portland.

Appendix B: Duties and Responsibilities When Deadly Physical Force is Used Outside Portland.

General Order 770.00

DEFINITIONS

- * Dangerous Felon: A person whom an officer reasonably believes has attempted to commit, or committed, a felony under circumstances involving a significant risk of death or serious physical injury to a person.
- * Deadly Physical Force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. The discharge of firearms, including covering fire, in a police action always involves the use of deadly physical force. The on or off duty use of a firearm, when either the discharge or the result of the discharge is unintentional, is considered the use of deadly physical force. The use of other weapons, equipment, and instruments (including but not limited to batons and police vehicles), may involve the use of deadly physical force if such force is readily capable of causing death or serious physical injury.
- * Covering Fire: The discharge of firearms in a tactical situation to neutralize the use of deadly physical force by a suspect or suspects so that police or other persons can maneuver in safety.

- * Police Action: Any circumstances, on or off duty, in which a sworn member of the Bureau exercises or attempts to exercise police authority.

PURPOSE

- * To give specific guidelines concerning the justified use of deadly physical force, and define the procedure and responsibilities after deadly physical force has been used.

POLICY: USE OF DEADLY PHYSICAL FORCE

- * Bureau policy authorizes, in a police action, the use of deadly physical force in a police action only when the officer reasonably believes that such force is necessary to protect the officer or another person from death or serious physical injury, or to apprehend a dangerous felon. NOTE: This policy is more restrictive than state law.
- * In carrying out this policy, it is emphasized that police officers are required to react to protect themselves and others.
- * Reckless or negligent conduct in the use of deadly physical force is not justified under the above policy.
- * Members will not fire warning shots.

B. R. BAKER
Chief of Police

DUTIES AND RESPONSIBILITIES WHEN DEADLY PHYSICAL FORCE IS USED

Use of Deadly Physical Force - Inside Portland

INDIVIDUAL MEMBERS

- * Whenever an officer uses deadly physical force in a police action, or where he is responsible for any intentional or unintentional firearm discharge (other than at an approved range), he will immediately:
 1. Notify an on-duty superior officer of the precinct having jurisdiction (normally accomplished by reporting the incident to the Bureau of Emergency Communications).
 2. Write a report, through channels which will include the case number, time, date, location, details of the use of deadly physical force, persons involved, injuries or damage, names of witnesses and other pertinent information. If the officer is injured and unable to submit a report before going off duty, a report of the incident will be made by his superior officer.
 3. Assist investigating personnel in their investigation.
 4. If it appears that the officer's involvement may have been criminal in nature, the officer shall immediately be advised of his constitutional rights.

5. If it appears that an officer may have violated Bureau rules or procedures, the officer shall immediately be advised of his rights according to the current labor agreement.

Immediate Superior Officer

- * The immediate superior officer will be responsible for completely investigating all uses of deadly physical force that are not investigated by the Detective Division as required in Appendix B of this order. Before going off duty, the immediate superior will submit a complete report of the incident, through channels, to the division/-precinct commander, which will include the case number, time, date, location, details of the use of deadly physical force, persons involved, damage, names of witnesses and other pertinent information. This report will also include a sketch of the scene.
- * Responsibility for fulfilling the duties of the immediate superior will, for those police actions inside the city, be that of a superior officer of the precinct having jurisdiction.
- * If the use of deadly physical force occurs during a police action, the superior officer will notify the Detective Division. The superior officer's report in this instance will contain a comprehensive summary of the events. The report will be submitted through channels to the precinct/division commander before the officer is relieved from duty.
- * Normal investigative procedures will be followed as in any investigation of a criminal offense. This will include obtaining all evidence relative to the investigation of the incident.

- * It will be the responsibility of the superior officer to insure that the Emergency Communications Operations Center (E.C.O.C.) notifies the following Bureau personnel in the event of a serious injury or death, which results from the use of deadly physical force by or against Bureau personnel:
 1. The Night Commander.
 2. Appropriate Division/Precinct Commander.
 3. Legal Advisor.
 4. Public Information Officer.
 5. Chaplain's Office.
 6. Appropriate Deputy Chief
 7. The Chief of Police
 8. Commissioner In Charge.

Relief Commander - Precinct/Division Commander

- * Relief commanders and precinct/division commanders will perform their normal functions of reviewing and forwarding reports and other documents through channels with a copy directly to the Office of Inspections.

Altered Duty Pattern

- * Immediately following the use of deadly physical force, the officer(s) directly involved may be given administrative reassignment and will be temporarily excused from duty. Other involved officer(s) may be administratively reassigned or excused from duty as directed by their commanding officer.
- * Upon returning to duty the officer may be assigned a partner for a period of time as deemed appropriate by his/her commanding officer.
- * The commanding officer of an officer directly involved in the use of deadly physical force will notify the Personnel Division Commander within 12 hours of the police action.

Detective Division

* In all situations in which such use of force has resulted in the injury or death of any person, or there is a reasonable belief that some person has been injured, Detective Division personnel will be charged with the responsibility of coordinating the investigation. In all situations in which such use of force has not resulted in the injury or death of any person, the Detective Division personnel will provide assistance as they deem appropriate, or at the request of the Commanding Officer of the Precinct/- Division in which the incident occurred; such detective assistance will be requested only for the investigation of the possible criminal aspects of the incident and does not relieve the Precinct/Division command of the investigative requirements as set forth in this Appendix.

1. Detectives conducting an investigation will be responsible for all investigative duties including the completion of the Crime Report, crime scene sketch, and evidence handling. Included in the report will be information on the weapons involved, number of shots fired and the damage or injuries, if any caused by the use of deadly physical force.

Legal Advisor

- * The Legal Advisor will provide assistance, as requested by Bureau personnel involved in the incident, personnel investigating the incident or the Chief of Police or his designated representative.
- * He shall assist in report preparation concerning the incident by providing appropriate legal advice. During this period, the Legal Advisor and the involved officer(s) may confer, in a confidential attorney-client manner. The confidential relationship utilized in such a conference exists until the Legal Advisor notifies the officer that it is terminated.

- * The Legal Advisor will continue to assist the officer involved, as needed, during the post-shooting period.

Chaplain's Office

- * The Chaplain's Office shall provide such assistance as deemed appropriate when requested by the personnel involved, their families, or command personnel. If the Chaplain's Office is not available to respond, the Personnel Division will provide such assistance as requested. Professional assistance and counseling will be available to the officer.
- * A list of officers who have been involved in similar police actions will be maintained by the Police Chaplain. On request from the officer's commanding officer, the Police Chaplain will select an officer from the list to assist in the debriefing process.

The Office of Inspections

- * Completed copies of reports regarding the use of deadly physical force will be forwarded directly to the Office of Inspections by each precinct/division involved.
- * Review of the use of deadly physical force function is the responsibility of the Office of Inspections and will be carried out as a routine part of the staff inspections process.

Use of Deadly Physical Force

Outside Portland

Individual Members

Whenever an officer uses deadly physical force during a police action, outside the city limits, or is responsible for any negligent or intentional firearm discharge which damages property or injures a person or persons or the trajectory of the discharge is sufficiently close to a person or persons so as to constitute an immediate danger or serious physical injury, he will immediately:

1. Notify the law enforcement agency having jurisdiction.
2. Notify an on-duty superior officer at his unit of assignment.
3. Write reports as directed by his superior.

Immediate Superior Officer

The immediate superior officer will write such reports as necessary to supplement the individual member's report(s) and the report(s) made by persons in the jurisdiction of occurrence, so that complete details as to time, date, location, use of deadly force, persons involved, damage, witnesses and other pertinent information are provided. This report will be submitted as soon as is possible, given the circumstances and location of the occurrence.

For the duties of responsibilities of these personnel, in deadly physical force situations, see Appendix A:

RELIEF COMMANDER - PRECINCT/DIVISION COMMANDER

Refer to Appendix A

DETECTIVE DIVISION

Refer to Appendix A

In police actions taking place outside the city limits, Detectives Division personnel will be responsible for obtaining police reports from the agency involved, writing any follow-up reports that might be necessary and offering appropriate investigative assistance.

LEGAL ADVISOR

CHAPLAIN'S OFFICE

OFFICE OF INSPECTIONS

__** 1010.20

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Use of Physical Force

0/00/00

Already Indexed

0/00-00-00-00

Refer: General Order 313.10

General Order 1010.50

General Order 1010.60

Appendix A: Reporting Duties and Responsibilities When Physical Force is Used

DEFINITIONS

- * Official Purpose: Any purpose, undertaken in a police action, which is authorized by the official orders, the Manual of Rules and Procedures, by law, or by judicial decree.

- * Physical Force: That force which is directed against a person and is readily capable of causing physical injury. Such force may be applied through the use of a person's body, weapons, equipment and/or instruments.

- * Police Action: Any circumstances, on or off duty, in which a sworn member of the Bureau exercises or attempts to exercise official authority.

- * Physical Injury: The impairment of physical condition or substantial pain.

PURPOSE

- * To give specific guidelines concerning when and to what extent the use of physical force by sworn members is justified and to define the procedure and responsibilities of those concerned after physical force has been used.

POLICY: USE OF PHYSICAL FORCE

- * In a police action, the use of physical force by a sworn member is only justified when and to the extent it is reasonably necessary to accomplish some official purpose. The amount of physical force that is authorized may vary in degree and shall be only that amount of force that is reasonably necessary depending on the circumstances of the situation. NOTE: This policy parallels the state law regarding the use of physical force.

- * It is emphasized that sworn members are expected to react to protect themselves and others, and to maintain control in police actions.

PROCEDURE

- * In carrying out the above policy, physical force may be used by sworn members only when the officer reasonably believes it necessary to:
 1. Prevent or terminate the commission or attempted commission of an offense.
 2. Lawfully take a person into custody, make an arrest of a person, or prevent an escape of a person.
 3. Prevent a person from committing suicide or inflicting serious physical injury upon himself.

4. Defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force.

5. Accomplish some official purpose that is authorized by law or by judicial decree or is performed in the reasonable exercise of the officer's official powers, duties, or functions.

NOTIFICATION AND REPORTING

* Refer to Appendix A.

B. R. BAKER
Chief of police

KHS/mm

Appendix A

REPORTING DUTIES AND RESPONSIBILITIES WHEN PHYSICAL FORCE IS USED:

INDIVIDUAL MEMBERS

Each and every officer who uses physical force (as defined in this order and including control holds) in a police action, will, before going off shift, document the use of force in the appropriate police report (Crime, Custody, Person or Special) covering the incident. In addition he will check the appropriate box under "Physical Force Used by Reporting Officer(s)" on the face of the report.

If the primary reports covering the incident are completed by one officer, and another officer(s) used physical force in that incident, then each officer who utilized physical force will complete a Special Report, fully documenting such use. This report will be completed prior to going off shift and will be connected to the primary report.

If the officer is injured and unable to submit a report before going off duty, the report regarding the use of force will be made by his on duty superior officer.

Additionally, officers who utilize chemical agents or who utilize any physical force that results in medical attention will verbally notify their supervisors as soon as practicable. Officers who utilize chemical agents will, in documenting reports, include details as to the victims exposure, flushing with water, etc.

IMMEDIATE SUPERIOR OFFICERS

The immediate superior officer will ensure that officers comply with the reporting requirement of this appendix.

OFFICE OF INSPECTIONS

The review of the use of Physical Force is the responsibility of the Officer of Inspections and will be carried out as a part of the staff inspections process.

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Use of Chemical Agents, such as Mace

00/00/00

00/00-00-00-00

POLICY

- * The use of chemical agents is controlled by the Bureau's physical force policy, G.O. 1010.20

PURPOSE

- * To explain Bureau policy regarding the use of chemical agents, such as Mace.

DEFINITIONS

- * Chemical agents: For purposes of this order a Bureau issued aerosol container of CN or CS irritant.
- * Police Action: See G.O. 1010.10 for definition

PROCEDURE

- * Chemical agents are an optional item of equipment for sworn members.
- * Only Bureau issued chemical agents may be carried or used.
- * Such chemical agents will not be used at a distance of less than 2 feet unless such use appears to be reasonably necessary to protect the officer or another person from imminent physical injury.
- * For use of other chemical agents, see G.O. 1010.70, Special Weapons.

ACTIONS AFTER USE OF CHEMICAL AGENTS

- * Officers will make every reasonable effort to ensure that persons exposed to chemical agents flush those exposed areas with water as quickly as possible.

- * For those persons taken into custody who have been exposed to chemical agents, the officer will ensure that effected areas are flushed with water as quickly as possible. After an intitial flushing of the areas exposed to such chemical agents, officers will ensure, that the person is examined not less than thirty (30) minutes nor more than one hour later, for evidence that the effect of such chemical agents appears to have been neutralized. As the subject is booked into jail, the officer will advise on duty medical personnel that chemical agents have been used, and request an additional medical inspection be conducted not less than thirty (30) minutes nor more than one hour later and that replacement jail clothing be provided if necessary.

- * The following conditions require that the officer make every reasonable effort to ensure that a person in custody is taken to Portland Adventist Hospital for medical attention and persons not in custody are sent to an appropriate hospital for medical attention:
 1. Discharge of chemical agents into the eye or face from a distance of less than two (2) feet.
 2. Prolonged discharge of chemical agents from any effective distance into the face.
 3. Where large quantities of chemical agents have been used in a confined area, such as an automobile or a small room.
 4. Any other circumstances in which the exposed person appears to need medical attention.

NOTIFICATION AND REPORTING

- * An officer who uses a chemical agent on a person shall verbally notify his on-duty supervisor as soon as practicable.

- * Prior to completing his tour of duty, the officer shall submit a written report as required in General Order 1010.20 Appendix A.

B. R. BAKER

Chief of Police

KHS/mm

00-00-000

1010.40

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Revision #3

Shotguns - Logs, Storage, Training,
Issuance, Security of

00/00/00

00/00-00-00-00

PURPOSE

- * Removes required use of sand drum.
- * Changes requirements for storage, issuance, loading and unloading of shotguns.
- * Requires uniform patrol officers to demonstrate proficiency with the shotgun.
- * Removes authorization for rifled slugs from precinct armories.

POLICY

- * The use of shotguns is controlled by the Bureau's Use of Deadly Force.

PROCEDURE

* Storage

1. The Training Division Commander is responsible for controlling the Bureau's inventory of shotguns, including allocation, inventory, inspection and maintenance.
2. All shotguns, when not in use, will be stored in one of the four Bureau armories, and the Training Division, and will be kept unloaded with actions open and the safety on.
3. Precinct and division commanders are responsible for the security, storage, issuance and upkeep of shotguns assigned to their armory.

* Training

1. Training Division

- a. The Training Division will conduct semi-annual shotgun training for all officers.
- b. Uniform patrol officers are required to demonstrate proficiency with the shotgun to include handling, loading, unloading and firing the weapon.
- c. The Training Division will enter the qualification results in the officer's range training records.
- d. The Training Division will prepare a roster of all sworn personnel who have demonstrated proficiency qualifications with the shotgun.

2. Precinct and Traffic Divisions

- a. Precinct and Traffic Division Commanders are required to provide semi-annual shotgun training for each of their assigned officers (between the semi-annual ranges given by the Training Division).
- b. Each officer will be required to demonstrate their proficiency in handling, loading, unloading and the five point functional safety check of the shotgun, using dummy ammunition supplied by the Training Division.
- c. Commanders will prepare a list of those officers under their command who received precinct conducted semi-annual shotgun training. The list will be filed under Training (Section 600) and a copy will be sent to the Training Division. The list will be maintained for two years and subject to inspection.

* Issuance

1. A current shotgun qualification roster will be posted at each point of shotgun issuance. Only those named on the list are authorized to check out shotguns.
2. A Shotgun Issue Log (Precinct/Division Equipment) will be maintained to record daily issue and check-in, of weapons and ammunition.
3. The officer being issued the shotgun is responsible for insuring that the weapon is functioning properly.
4. Qualified non-uniformed sworn personnel may check out shotguns from a precinct, as needed but only with the permission of both a superior officer of that precinct and the members own division.
5. Only Bureau issued Double-O Buckshot (12 PELLET) ammunition is authorized for use with the shotgun.
6. Supervisors will monitor issuance procedures.
7. Under certain circumstances qualified officers may be required by their supervisors to carry a shotgun.

* Loading and Unloading

1. A five point functional safety check will be made after insuring the weapon is unloaded, action open and safety on.
2. The shotgun is secured in the locking mount of the vehicle, with the action closed, safety on, hammer in the cocked position prior to loading. When a vehicle is not equipped with a locking shotgun mount, loading will be conducted inside the vehicle with the muzzle elevated, action closed, safety on, hammer in the cocked position. The officer will then load the magazine with 4 rounds of double 0 buckshot.

3. If an officer removes the shotgun from the vehicle and causes a round to be inserted into the chamber, the officer will unload the weapon by placing the safety "on", remove all ammunition from the magazine and then carefully remove the round from the chamber by opening the action and insure that the chamber is empty before resuming patrol.
4. At the end of the shift the shotgun will be unloaded while still in the locking mount, and returned to the armory with the action open and safety on. When a vehicle is not equipped with a loading mount, the shotgun will be unloaded inside the vehicle.

* Security

1. If a police vehicle is towed, parked in the garage, or left unattended for any extended period of time, the shotgun will be returned to the armory.
2. Vehicles left unattended for short periods of time will be locked when a shotgun is secured in the locking mount. Shotguns will be locked in the trunk of unattended vehicles that do not have locking mounts.
3. If the officer who obtained the shotgun has been injured or is otherwise unable to return the weapon to the armory, his superior officer shall be responsible for securing the weapon.

B. R. BAKER

Chief of Police

Sidearms and Ammunition, Type Approved

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Index:

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POLICY

- * The use of sidearms is controlled by the bureau's Deadly Physical Force Policy, G.O. 1010.10

DEFINITION

- * Ammunition: Projectiles, along with their fuses and primers, that can be fired from a sidearm.
- * Primary Sidearm: A revolver carried as the basic firearm, to be utilized in deadly physical force situations. The visible, holstered sidearm is the primary sidearm for Patrol Branch personnel.
- * Secondary Sidearm: A revolver, carried in a concealed manner as a back-up firearm, to be utilized in deadly physical force situations when the primary sidearm has been rendered unavailable or inoperable.

PURPOSE

- * To inform bureau members of the sidearms and ammunition exclusively authorized to be carried or used on or off-duty.

PROCEDURE

- * The Training Division will be responsible for conducting semi-annual tactical firearms courses for all sworn officers and for maintaining qualification records.

- * Officers are required to qualify, at least every 14 months, at a Training Division approved tactical firearms course in order to be authorized to carry sidearms.
- * Officers are not authorized to carry or use a sidearm that has a barrel length or weight that is less than that with which they have qualified at a Training Division approved tactical firearms course within the last fourteen (14) months. The Personnel Division will be responsible for notifying the Training Division of those sworn members returning from an absence. The Training Division will assure that these members are in compliance with the firearms qualification requirements of this order.
- * All sworn officers, unless excused in writing by the Deputy Chief of the Services Branch, will successfully complete semi-annual firearms training.

ON DUTY

- * Officers will only carry one bureau authorized primary sidearm. The primary sidearm will be either a .357 or .38 special calibre Smith & Wesson, Colt, or comparable quality revolver, approved by the Training Division. Authorized barrel length of the primary sidearm varies by assignment as follows (see exceptions, page 4):
 - 1, Patrol Branch officers and sergeant - 4" through 6".
 2. Plainclothes assignments - 2" through 6".
 3. Command personnel - 2" through 6".
- * Officers are authorized to carry one secondary sidearm of the same

specifications as the primary duty sidearm (excepting barrel length) only under the following circumstances:

1. The officer has qualified with that sidearm in an approved Training Division tactical firearms course within the last 14 months.
 2. Secondary sidearms will only be carried in a concealed manner, but not in the waistband unless holstered.
 3. The officer will request, permission to carry a secondary on-duty weapon. The request will be in writing, stating make, type, calibre and serial number of the sidearm. This request will also include the Training Division's certification of qualification with that sidearm. The request will be forwarded through channels, with command recommendation, to the Branch Deputy Chief for approval.
 4. Semi-automatic sidearms are not authorized to be carried as a secondary weapon (See EXCEPTIONS, PAGE 4).
- * Primary sidearms will be utilized in Bureau firearms qualifications. (see Exceptions, page 4).
- * All sidearms will be subject to examination and approval by the officer in charge of the firing range, his designee, the Inspections Division or a superior officer.
- * All sidearms carried by officers shall be kept clean and operational at all times.
- * The single action release (trigger pull) shall not fall below the 48 ounce Bureau standard.
- * Non-sworn members of the bureau are not authorized to possess, carry or use firearms in the course of their employment.

OFF-DUTY

* Off-duty officers may carry a sidearm of their choice if it meets the following standards:

1. It is of no greater calibre than authorized for on-duty use and the ammunition does not exceed the performance standards authorized for on-duty use. Non-issued ammunition must be approved by the Range officer.
2. Prior to carrying the weapon, the officer must make an appointment with the Training Division Range Officer to demonstrate his qualification to use the weapon. Thereafter, qualification within the last 14 months with that weapon is required.

The Range Officer will be responsible for writing a memo indicating the officer's name, identification of the weapon, and the date that the officer demonstrated knowledge of the sidearm and fired a qualifying score. The memo will be forwarded to the following unit for filing:

- a) The Personnel Division
- b) The Training Division
- c) The officer's assigned RU for his file

EXCEPTIONS

* Under certain specific circumstances (e.g., an undercover assignment of limited duration) and when the nature of a member's duties so require, Commanding Officers may authorize the carrying of sidearms other than those permitted above, but no greater than .38 calibre. Such authorization can only be given when the member furnishes written certification from the Training Division that the member has

also qualified within the past 14 months with that sidearm and ammunition in an approved tactical firearms course. Only that ammunition type specifically approved by the Training Division may be carried or used in such sidearms.

- * Commanding officers may excuse staff and undercover members from carrying sidearms and ammunition if not appropriate for their assignment.

AMMUNITION

- * The only ammunition authorized (except that used while on the police range or training exercises) for use in primary and secondary sidearms is the .38 Special ammunition which has been approved by the Chief of Police and issued by the Training Division.
- * Ammunition that exceeds the calibre or performance of .38 Special is not authorized to be carried or used in sidearms carried under the exceptions provision of this order.
- * .357 Magnum ammunition is not authorized on or off duty.
- * Reload ammunition is only to be used for target practice and training.
- * Blank cartridges will not be used in training exercises where it is likely that they will be fired within ten feet of a "target" person.
- * On-duty sworn members, whether working in uniform or plainclothes, shall carry full loaded sidearms.

- * Uniform members will carry at least six extra cartridges. Non-uniform sworn members will carry at least 5 extra cartridges. (See EXCEPTIONS above).

- * Every officer will be issued new service ammunition for his primary and secondary duty sidearms annually. The old service issue ammunition will be turned in prior to each re-issue.

B. R. BAKER
Chief of Police

KHS/mm

__** 1010.70

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Use of Special Weapons

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Index:

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POLICY

- * The use of special weapons is controlled by the Bureau's deadly physical force or physical force policies, as applicable; see G.O.'s 1010.10 and 1010.20.

PURPOSE

- * To explain Bureau policy regarding the use of special weapons.

DEFINITIONS

- * Police Action: Any circumstances, on duty or off duty, in which a sworn member of the Bureau exercises or attempts to exercise his/her police authority.
- * S.E.R.T.: Special Emergency Response Team.
- * Special Weapons: Weapons, which are provided by the Bureau and authorized to be used by trained S.E.R.T. members in a police action. Examples of special weapons include non-aerosol-container chemical agents (including smoke agents), automatic weapons, rifles, and other special tactical weapons and ammunition.

PROCEDURE:

- * The only Personnel authorized to carry or use special weapons are:
 1. Members of the S.E.R.T. (including alternates) who have successfully completed, within the last 12 months, the Training Division's special weapons tactical response courses.
 2. Members under official orders traveling to or from a training exercise.

- * The decision to activate or deactivate the S.E.R.T. team in an emergency police action will only be made by the on-scene commander (Refer to G.O. 720.00).

- * The decision to deploy or use special weapons in an emergency police action will only be made by the S.E.R.T. leader.

- * The Training Division will be responsible for developing and conducting annual special weapons response courses, for establishing qualification and familiarization standards, and for maintaining complete training records of participating swarm members.

NOTIFICATION AND REPORTING

- * For use of special weapons in deadly physical force situations, refer to G.O. 1010.10, Appendix A. (When responding outside the city as a team, Appendix A reporting procedure will be utilized).

- * For use of special weapons in physical force situations, refer to G.O. 1010.20 Appendix A.

B. R. BAKER

Chief of Police

00-00-000

1010.50

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Use of Baton

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00/00-00-00-00

POLICY

- * The use of the baton is controlled by the Bureau's deadly physical force or physical force policies, G.O. 1010.10 and 1010.20 respectively, depending upon the circumstances and manner in which the baton is used. The baton is an instrument to be used for the purposes of control and defense.

PURPOSE

- * To explain Bureau policy regarding the use of the baton.

DEFINITIONS

- * Baton: An authorized instrument designed for blocking, jabbing or striking while engaged in a police action that meets the following specifications:

1. Made of black hardwood, plastic or aluminum alloy.
2. Maximum length of 26 inches.
3. Maximum weight of 22 ounces.
4. Not altered or weighted in any way.

Police Action: (See G.O. 1010.10)

PROCEDURE:

- * The baton is an optional uniform item which may be purchased at the uniform officer's expense and carried on duty.

- * All Police Officers and Sergeants assigned to the Patrol Branch will receive the prescribed baton training provided by the Training Division.
- * An officer may carry a baton only after he has received a certification of baton training.
- * Copies of the Certification form and will distribute the copies as follows:
To the Personnel Division, the Training Division and the Unit of Assignment.
- * Qualified officers may be required, under certain circumstances, to carry a baton.
- * The baton is an instrument to be used for purposes of control and defense.

Notification and Reporting

- * An officer who uses a baton in a police action shall verbally notify the on-duty superior officer as soon as practicable.
- * Prior to completing his tour of duty, the officer shall submit a written report as required in G.O. 1010.20 Appendix A.
- * If the officer is incapacitated, his superior officer, on duty at the time of the incident, will file a written summary of the incident with the Relief Commander, who will forward a copy to the Chief of Police through channels.

OTHER INSTRUMENTS, USED TO STRIKE OR JAB

- * If it becomes reasonably necessary to use another instrument, such as a flashlight, pak set, etc., for an officer to defend himself or another person, the use of such instrument is regulated by the Bureau's policies regarding the uses of deadly physical force or deadly physical force G.O. 1010.10 and 1010.20, depending upon the circumstances involved. The use of such instruments is strongly discouraged and is appropriate only when the officer reasonably believes that other authorized physical force responses are not available under existing circumstances.

B. R. BAKER

Chief of Police

KHS/mm

Bill Rhodes

10/21

Charles -

I called Seattle P.D. to see if they had a published philosophy on the use of deadly force. It is quite brief, however I note that they do not rule out the option of shooting to disable rather than kill. They also make it plain that an officer does not have to shoot even when a felon is escaping.

Return to Bill

Bill