

USE OF FIREARMS AND LETHAL FORCE

The San Francisco Police Department's highest priority is safeguarding the sanctity of all human life. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to serve. The Department is committed to using thoughtful communication, crisis intervention and de-escalation principles before resorting to the use of force, whenever practical/feasible. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary/unreasonable force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

Commented [SFPD1]: See corresponding comment #1

The purpose of the policy is not to restrict officers from using sufficient force to protect themselves or others but to provide general guidelines that may assist the Department in achieving its highest priority. The purpose of the policy is not to restrict officers from using sufficient force to protect themselves or others but to provide general guidelines that may assist the Department in achieving its highest priority.

Commented [SFPD2]: See corresponding comment #2

This order establishes policies and reporting procedures regarding the use of firearms and lethal force. Officers' use of firearms and any other lethal force shall be in accordance with DGO 5.01, Use of Force, and this General Order.

I. POLICY

A. GENERAL. The Department is committed to the sanctity and preservation of all human life, human rights, and human dignity. It is the policy of this Department to use lethal force only when no other reasonable options are available to protect the safety of the public and the safety of police officers. discharge a firearm or use other lethal force only when other force options would be ineffective or inadequate to protect the safety of the public and the safety of police officers. Lethal force is any use of force designed to and likely to cause death or serious physical injury, including but not limited to the discharge of a firearm, the use of impact weapons under some circumstances (see DGO 5.01, Use of Force), and certain interventions to stop a subject's vehicle (see DGO 5.05, Response and Pursuit Driving).

Commented [SFPD3]: See corresponding comment #3

B. PRIOR TO THE DISCHARGE OF FIREARM OR LETHAL FORCE. When safe and practical/feasible under the totality of circumstances, officers should all consider other force options before discharging a firearm or using other lethal force.

Commented [SFPD4]: See corresponding comment #4

1. DE-ESCALATION. As stated and more fully described in DGO 5.01, Use of Force, de-escalation techniques are actions used by officers, when safe to do so, that seek to decrease the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Officers should consider the possible reasons why a subject may not be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may to calm the subject and allow enable officers to use de-escalation techniques while maintaining public safety and officer safety.

Commented [SFPD5]: See corresponding comment #5

2. **PROPORTIONALITY.** It is important that an officer's level of force be proportional to the severity of the offense committed or the threat to human life for which the officer is taking. Officers should balance the severity the offense committed or the threat posed to human life against the laws enforcement task to be accomplished when determining the appropriate level of force. Officers may only use the degree of force that is reasonable and necessary to accomplish their lawful duties.

Commented [SFPD6]: See corresponding comment #6

3. **SUBJECTS ARMED WITH WEAPONS OTHER THAN FIREARMS.** Upon being dispatched to or on-viewing a subject armed with a weapon, officers shall immediately call a supervisor. It is critical officers consider apply the principles of proportionality when encountering a subject who is armed with a weapon other than a firearm, such as an edged weapon, improvised weapon, baseball bat, brick, bottle, or other object. Where officers can safely mitigate the immediacy of threat, and there are no exigent circumstances, officers should isolate and contain the subject, call for additional resources and engage in appropriate de-escalation techniques without time constraints. It is far more important to take as much time as needed to resolve the incident in keeping with the Department's highest priority of safeguarding all human life. Except where circumstances make it reasonable for an officer to take action to protect human life or prevent serious bodily injury, immediately disarming the subject and taking the subject into custody is a lower priority than preserving the sanctity of human life. Officers who proceed accordingly and delay taking a subject into custody, while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it.

Commented [SFPD7]: See corresponding comment #7

4. **SUPERVISOR'S RESPONSIBILITY TO ASSUME COMMAND.** When officers are dispatched to or on-view a subject with a weapon, a supervisor shall immediately:
- a. Notify DEM, monitor radio communications, respond to the incident (e.g., "3X100, I'm monitoring the incident and responding.");
 - b. Remind responding officers, while en route, absent a Code 33 or other articulable reasons why it would not be feasible or safe to do so, to protect life, isolate and contain the subject, maintain distance, find cover, build rapport, engage in thoughtful communication without time constraint, and call for appropriate resources;

Commented [SFPD8]: See corresponding comment #8

- c. Upon arrival, assume command, and ensure appropriate resources are on-scene or are responding.

Commented [SFPD9]: See corresponding comment #9

C. HANDLING AND DRAWING FIREARMS.

1. **HANDLING FIREARMS.** An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.
2. **AUTHORIZED USES.** An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety. When an officer determines that the threat is over, the officer shall holster his or her firearm or shoulder the weapon in the port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person, if practical/feasible, the primary officer shall, if feasible, advise the subject the reason why the officer(s) pointed the firearm.
3. **DRAWING OTHERWISE PROHIBITED.** Except for maintenance, safekeeping, inspection by a superior officer, Department-approved training, or as otherwise authorized by this order, an officer shall not draw a Department-issued firearm.
4. **REPORTING.** When an officer intentionally points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under the objective facts and circumstances.

Commented [SFPD10]: See corresponding comment #10

D. DISCHARGE OF FIREARMS OR OTHER USE OF LETHAL FORCE.

1. **PERMISSIBLE CIRCUMSTANCES:** Except as limited by Sections D.4 and D.5., an officer may discharge a firearm or use other lethal force in any of the following circumstances:
 - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury; or
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at, or use lethal force against, a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person; or
 - c. To apprehend a person when both of the following circumstances exist:
 - i. The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of lethal force; AND

- ii. The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed; or
- d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission; or
- e.. To signal for help for an urgent purpose when no other reasonable means can be used.

The above circumstances (D.1 a-e) apply to each and every discharge of a firearm or application of lethal force. Officers should constantly reassess the situation, as practical/feasible, to determine whether the subject continues to pose an active threat.

2. **VERBAL WARNING.** If practical/feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm or using other lethal force.
3. **REASONABLE CARE FOR THE PUBLIC.** To the extent practical/feasible, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of the public or officers.
4. **PROHIBITED CIRCUMSTANCE.** Officers shall not discharge their firearm:
 - a. As a warning; or
 - b. At a person who presents a danger only to him or herself.
5. **MOVING VEHICLES.** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle unless the operator or occupant poses an immediate threat of death or serious bodily injury to the public or an officer by means other than the vehicle. Officers shall not discharge a firearm from his or her moving vehicle.
6. **REPORTING.**
 - a. **DISCHARGE OF FIREARMS.** Except for firearm discharges at an approved range or during lawful recreational activity, an officer who discharges a firearm, either on or off duty, shall report the discharge as required under DGO 8.11, Investigation of Officer Involved Shootings and Discharges. This includes an intentional or unintentional discharge, either within or outside the City and County of San Francisco.
 - b. **OTHER LETHAL FORCE.** An officer who applies other force that results in death shall report the force to the officer's supervisor, and it shall be investigated as required under DGO 8.12, In Custody Deaths. An officer who applies other lethal force that results in serious bodily injury shall report the force to the officer's supervisor. The supervisor shall, regardless whether possible misconduct occurred, immediately report the force to their superior officer and their commanding officer, who shall determine which unit shall be responsible for further investigation. An officer who applies other lethal force that does not result

in serious bodily injury shall report the force as provided in DGO 5.01.1, Reporting and Evaluating Use of Force.

The Department's highest priority is safeguarding the sanctity of all human life. If exceptional circumstances occur, not contemplated by this order, an officer's use of force shall be reasonably necessary to protect others or himself or herself. The officer shall articulate the reasons for employing such use of force.

Commented [SFPD11]: See corresponding comment #11

References

DGO 5.01, Use of Force

DGO 5.05, Response and Pursuit Driving

DGO 8.11, Investigation of Officer Involved Shootings And Discharges

DGO 8.12, In Custody Deaths

DRAFT

Corresponding Comments of Draft DGO 5.02, Use of Firearms and Lethal Force 03/09/16
version

1. SFPD added language based on CIT working group and SFBAR recommendation.
2. SFPD added language to be consistent with DGO 5.01.
3. SFPD changed this language.
4. SFPD changed this language.
5. SFPD added this language based on SFBAR recommendation.
6. SFPD changed language to be consistent with DGO 5.01.
7. Language added on recommendation of OCC.
8. Language added to be consistent with DGO 5.01.
9. SFBAR recommends adding a section of mandatory counselling and recommends using Oakland PD's language from their Use of Force policy OTHER REQUIREMENTS.
SFPD is reviewing OPD's policy.
10. Language changed based on recommendation of the OCC and SFDA/BRP.
11. SFPD added language to be consistent with DGO 5.01 and Bureau Order on CEDs.