



A
14-014
01/07/14

**Reminder regarding Department General Order 5.02, Use of Firearms:
Discharge of Firearm at Operator or Occupant of Moving Vehicles**

(Supersedes DB 13-053)


Department members are prohibited from discharging their firearms at the operator or occupant of a moving vehicle except under very narrow circumstances.

Department General Order 5.02, Section I.C.5 (c) lists the circumstances in which a member may discharge a firearm at the operator or occupant of a moving vehicle:

1. If the operator or occupant of a moving vehicle is threatening the member with imminent danger of death or serious bodily injury by means other than the vehicle itself.
2. If the operator of the moving vehicle is threatening the member with imminent danger of death or serious bodily injury by means of the vehicle, and the member has no reasonable and apparent way to retreat or otherwise move to a place of safety.
3. In defense of another person when the member has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
4. To apprehend a person when both of the following circumstances exist:
 - a. The member 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 deadly force; AND
 - b. The member 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.

Members shall employ all reasonable means available to move to an area of safety if a vehicle becomes a threat, including retreating from the threat if practical. Members shall not intentionally place themselves in harm's way by standing or moving in front of a vehicle, by standing directly behind a vehicle, or by reaching inside an operating vehicle.

Members are reminded that discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to members and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or members.


GREGORY P. SUHR
Chief of Police