

## Training Bulletin

# Houston Police Department

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### **SUBJECT: USE OF FIREARMS**

#### **Introduction**

The Houston Police Department (HPD) recently has revised its policy governing the use of firearms. The policy and rules which accompany it are designed to guide Houston Police Officers in the exercise of their authority to use their weapons. The use of firearms is of such great importance that the policy and rules require more than normal discussion. The purpose of this training bulletin, therefore, is to instruct officers about the Department's guidelines for using firearms.

The policy and rules were finalized only after extensive research and internal discussion. Analysis was done of the prior HPD policy, prior incidents of officer-involved shootings, the policies of other major city police departments and the many volumes of research on this issue. Discussions were held among Command Staff, with representatives of the employee organizations and other officers. Detailed video interviews were conducted with officers from various ranks, assignments and shifts in order to solicit their views and concerns.

There is no question that police officers' authority to use firearms to protect themselves and the public carries with it serious responsibility. It is necessary, therefore, that the Department provide appropriate guidance to its officers in order to ensure that the authority to use firearms is exercised in a manner consistent with the Department's basic duty to protect human life. Consequently, the Department has developed a concise statement of its policy regarding the use of firearms which is consistent with the policy followed since 1979. The new policy goes further than the prior HPD policy insofar as it includes a more detailed set of rules designed to guide officers in the decision to discharge their firearms.

#### **The Values**

The values which form the basis of the Department's policy and rules regarding the use of firearms are as follows:

- Human life is valuable and must be protected.

- Police officers have been given the unique power to use firearms in order to fulfill the responsibility entrusted to them by the citizens to protect human life.

Therefore, officers must use utmost prudence and restraint in the exercise of their authority to use firearms. They should discharge their firearms only when doing so represents the only effective means to fulfill their responsibility to stop a person who poses an imminent threat of death or serious bodily harm to the officers or others.

These beliefs reflect the Department's strong commitment to ensuring for the safety of both its officers and the citizens of the city.

### The Policy

The Houston Police Department's policy regarding the use of firearms sets forth the general values which must guide officers' actions. The policy is as follows:

- The use of firearms is never to be considered routine, is permissible only in defense of life, and then only when all other means have been exhausted.

The Department's policy is based on a belief that its primary duty is to protect life. Police officers, therefore, are to use firearms only to protect their lives or the lives of others. Since the use of firearms has the potential to endanger life, it should occur only when there is no other alternative. This means that officers are to use their firearms only when failure to do so would result in death or serious bodily injury to themselves or others..

In situations where officers consider using firearms, they must carefully determine whether it is probable that someone will be killed or injured as a direct result of the observed actions of the suspect. Only when officers have substantial reason to believe that there is an immediate potential for serious bodily injury to self or another can they use their firearms.

The Department, valuing the lives of both officers and citizens, believes that the use of firearms must be treated as an unusual occurrence. In addition, available alternative means of resolving the dilemma should be used whenever they will not endanger the officers. Indeed, as the policy states, the use of firearms is never to be considered routine, but rather should be viewed as a last resort action.

Situations which require an individual police officer to use a firearm are generally rare occurrences. Day after day, police officers resolve potentially dangerous situations without resorting to the use of their firearms. Officers de-escalate situations by using a variety of methods ranging from persuasion, application of psychology, and use of back-up personnel. Indeed, it is quite clear that a vast majority of our officers now execute their duties in a manner which is consistent with the department's policy and rules. By following the Department's policy, officers can avoid or minimize their criminal and civil liabilities.

## The Rules

To provide guidance to officers in carrying out this policy, the Department has outlined several very important rules prescribing when firearms may and may not be used. Each of the rules is derived from the Department's policy and is consistent with the underlying values. Again, these rules direct officers to be prudent and to use restraint in the exercise of their authority to use firearms in order to protect life.

The rules were developed to guide police officers in their determination of the most effective means of resolving issues of officer and/or citizen safety. The key to all of the rules is:

- Do not shoot unless your life or someone else's is in immediate danger.

Rule 1 represents the core statement of the key point made above about officers' use of firearms. It states simply that officers can shoot only to protect themselves or another person from imminent death or serious injury. In observing this rule, officers are well advised to remember the following:

- Always use the minimum force necessary to accomplish your mission; e.g., protect, life, effect an arrest, restrain an escaping suspect.
- Do everything possible to de-escalate situations. so that you do not have to resort to the use of firearms.

It is important to remember that the premature use of firearms can escalate a situation and, thereby, unnecessarily increase the danger to fellow officers and others. Officers, therefore, should consider using alternative force methods, such as the baton, taser or nets. Whenever appropriate and prudent, officers should delay action and request specially trained persons or tactical units.

It is important to recognize that the Department can provide a variety of resources to diffuse or resolve dangerous or potentially dangerous situations with the minimal level of force. No one police officer stands alone in the responsibility to protect life, but rather each officer must look to all members of the department to work together to accomplish our joint mission.

Rule 2 directs police officers to exercise the utmost care in discharging their firearms so as to avoid endangering innocent persons. In every situation:

- Consider the possibility that the projectiles you discharge will hit innocent persons.

Rule 3 prohibits officers from shooting to threaten or to subdue a person whose actions do not present a direct life-threatening danger to the officer or other persons.

There are situations where suspects either have committed or are about to commit offenses involving the destruction of property and/or serious injury to themselves. It is important that such persons be taken into custody as quickly as possible. However, remember that:

- If the suspects' actions do not pose a threat of imminent death or serious bodily injury to persons other than themselves, do not discharge your firearms to achieve an arrest.
- Shoot only to protect life and never to protect property.
- You cannot protect a person's life by shooting the person even though they have placed themselves in peril.

Rule 4 directs police officers not to shoot fleeing suspects who do not pose an immediate threat of death or serious bodily injury. The key in this rule is the word "immediate". A suspect can be reasonably characterized as "dangerous", but at the time of an attempted escape, not pose an "immediate" threat. Be careful to:

- Assess the immediate danger posed by the suspect's actions rather than characterize the person as dangerous.

Of course, if the suspect is attempting to escape, officers should use all appropriate methods available to prevent that escape. However, it is not appropriate to shoot in this situation. Again, remember:

- Do not shoot unless your life or someone else's is in immediate danger.

Rule 5 prohibits officers from shooting at a moving vehicle unless it is absolutely, necessary to do so to protect the lives of the officers or others.

Officers confronting an on-coming vehicle stand a better chance of avoiding injury if they follow instinct and move away from the path of the vehicle. Time taken to unholster, aim and attempt to stop an oncoming vehicle may place the officer in greater danger than simply jumping aside. The probability of disabling a vehicle with gunshots is low because a revolver is not intended for nor is it ordinarily effective in disabling a vehicle.. Moreover, if the operator is disabled, officers and innocent bystanders then are faced with the danger created by an unguided moving vehicle.

The key to this rule, is:

- Follow human instinct and get out of the way of vehicles rather than shoot at them.

Rule 6 allows an on-scene supervisors to authorize the discharge of firearms to disable a vehicle, but only when they determine that the vehicle's continued operation is a direct threat to life. In those instances when authorization is given, the authorizing supervisor is responsible for the actions taken. Again, both supervisors and police officers should remember the key to the Department's use of firearms policy:

- Do not shoot except to protect human life from imminent danger.

Rule 7 clearly prohibits officers from firing warning shots. The dense population of a urban area such as Houston makes warning shots dangerous to innocent bystanders. Therefore, officers are directed:

- Never fire warning shots.

Rule 8 prohibits police officers from drawing or otherwise displaying their firearms without probable cause to believe there is a threat to the officers' life or safety.

Drawing or displaying a firearm can limit officers' alternatives in controlling situations, as well as create unnecessary anxiety on the part of citizens and result in unwarranted or accidental discharges. Officers' decisions to draw or display firearms should be based on specific aspects of the tactical situation. Something in the situation should indicate a substantial risk that the situation will escalate to the point where the officers will have to use their firearms to protect life. Officers should be guided by the following:

- Do not draw or display your firearm unless you have probable cause to believe that you will have to discharge it in order to protect life.

In summary, the Department has developed a sound and concise policy and set of rules to guide its officers in exercising their authority to use firearms to protect life. The responsibility to learn and to follow the guidelines provided lies with each and every officer. Also, officers should realize that their judgments and actions will be assessed against the standard of this policy. and these rules.

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