



California Exposition and State Fair Police Department

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DEPARTMENT GENERAL ORDER

ORDER 200.500

Feb. 2019 (Revised)

08/01/06 (New)

USE OF DEADLY FORCE

200.501 PURPOSE

- A. The purpose of this policy is to describe the police department's policy regarding the use of deadly force (use of firearms).

200.502 POLICY

- A. The guiding philosophy shall be to exhaust other reasonable means of apprehension and control before resorting to the use of deadly force. This policy does not prohibit an officer from drawing a firearm in readiness in the course of an arrest or investigation when, in the officer's opinion, it is necessary to ensure anyone's safety or to reduce the possibility of attack or escape by a potentially violent suspect. The officer's objective for using the firearm is to stop or disable a person in order to effect an apprehension.

200.503 PHILOSOPHY

- A. The use of deadly force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Department recognizes and respects the value of all human life and dignity without prejudice. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

200.504 DEADLY WEAPON

- A. Deadly Weapon - A firearm or other device intended to, or readily capable of, causing death or very serious injury; any other object readily capable of causing death or very serious injury under the circumstances it is used, even if such it is not the primary or intended purpose.

200.505 JUSTIFICATION

- A. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time a decision is made to fire a weapon.

*The mission of the California Exposition & State Fair Police is to:
Provide for the safety and security of visitors, employees, and stakeholders; keep order and
preserve the peace; and support the economic well-being of the California Exposition & State Fair.*

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- B. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.
- C. Except in self-defense, officers shall not discharge a firearm when the safety of innocent persons are placed in jeopardy.
- D. Firearms shall not be discharged at misdemeanor suspects.
- E. Firearms shall not be discharged as a warning.
- F. Retreat. Department personnel making or attempting to make arrests need not retreat or desist from those efforts by reason of the resistance or threatened resistance of the person or persons being arrested; nor shall such personnel be deemed aggressors or lose their right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.
- G. Department personnel may discharge a firearm at another human being in the performance of their duties, after other reasonable methods and/or procedures of apprehension and control have been considered, under the following circumstances:
 - 1. In necessary self-defense when the officer has reasonable cause to believe that there is imminent danger of death or great bodily injury.
 - 2. In necessary defense of another person when the officer has reasonable cause to believe that the other person is in imminent danger of death or great bodily injury.
 - 3. To effect an arrest, to prevent an escape, or to recapture an escapee, when the officer has reasonable cause to believe that the suspect has committed or attempted to commit a violent felony involving the threat of death or great bodily injury, or when the officer has reasonable cause to believe that the felony suspect to be apprehended may cause death or great bodily harm to an officer or to another person, should the suspect make good the escape.
- H. In each situation above, where feasible, an officer should issue a warning prior to firing.

200.506 DEADLY FORCE APPLICATIONS

- A. Use of deadly force is justified in the following circumstances:
 - 1. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
 - 2. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent

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danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- a. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- b. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

200.507 SHOOTING AT OR FROM MOVING VEHICLES

- A. Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, under fire, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.