



## USE OF FIREARMS **GENERAL ORDER #12.02**

**Adopted:** 06/15/21

**Pages:** 5

**Persons Affected:** All sworn personnel

**Authority:** Laura Wilson, Director

**IACLEA Standards:** 7.1.2, 7.1.3, 7.1.8

**Revision History:**

Replaces SUDPS General Order #12.02 (2/14/2018)

### **PURPOSE**

*The purpose of this Order is to establish guidelines for the use of firearms by deputies of the Stanford University Department of Public Safety. This order recognizes that the use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. Through a Memorandum of Understanding (MOU) with Santa Clara County and the authority established under California Penal Code 830.6(a)(1), deputies of the Stanford Department of Public Safety are granted peace officer powers. They are authorized to carry weapons while on duty performing the specific assignments defined in MOU Section II, Specific Assignments and Jurisdiction of Reserve Sheriffs/Stanford.*

### **POLICY**

It is the policy of the Stanford Department of Public Safety (SUDPS) that all sworn staff employed by Stanford University and granted peace officer powers by the Office of the Santa Clara County Sheriff



pursuant to the MOU between Stanford University and the Santa Clara County Sheriff, who are authorized to carry firearms, use those firearms in a manner that protects officer safety while recognizing the sanctity and dignity of human life.

The general order applies to all sworn staff of the SUDPS, and reference to “officer”, “deputy” or “deputies” throughout this policy refers to all sworn staff.

## **DEFINITIONS**

For purposes of Sections B 1-4 (Discharging a Firearm), the following definitions apply:

<b>TERM</b>	<b>DEFINITION</b>
<b>Imminent Threat of Death or Serious Bodily Injury</b>	An “imminent” threat of serious bodily injury is one where, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately confronted and addressed.
<b>Totality of Circumstances</b>	All facts known to the peace officer at the time, including the conduct of the deputy and the subject leading up to the use of deadly force.
<b>Feasible</b>	Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

## **PROCEDURE**

### **A. DRAWING THE FIREARM:**

1. A SUDPS Deputy shall draw and exhibit a firearm only:
  - a. At an authorized firing range.



- b. During inspections.
  - c. When directed to do so by a superior officer or by the range staff or range master.
  - d. When the deputy reasonably believes it necessary for his or her own safety or for the safety of others. A deputy also may draw and be ready to use a firearm any time he/she reasonably believes that he/she or another person may be in danger of death or great bodily injury.
2. A deputy transferring a firearm must unload it and check to make sure it is empty. The deputy receiving the firearm must personally check it to make sure that it is unloaded.

**B. DISCHARGING A FIREARM (IACLEA 7.1.2, 7.1.8)**

The discharge of a firearm at or towards another person constitutes deadly force. A deputy may discharge a firearm at or towards another person only when the deputy reasonably believes, based on the totality of the circumstances, that such force is necessary for one of the following reasons:

1. To defend against an imminent threat of death or serious bodily injury to the deputy or to another person.
2. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the deputy reasonably believes that the person will cause death or serious bodily injury to another if his/her apprehension is delayed. When feasible, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.
3. As a member of the SCCSO Emergency Response Team (SERT) when he/she is directed by the commander in charge of the team to use deadly force based on the totality of the circumstances known to the commander and consistent with this general order and General Order 12.00 – Use of Force.
4. A deputy may not discharge a firearm at another person based on the danger that a person poses to themselves if an objectively reasonable deputy would believe the person does not pose and imminent threat of death or serious bodily injury to the deputy or another person.

A deputy may reasonably exercise his/her discretion to determine that discharging a firearm is inadvisable after all methods short of the use of deadly force have been exhausted, even if a suspect is not apprehended as a result.

5. Notwithstanding the above, a deputy may also discharge a firearm for the following additional reasons:
  - a. To kill a dangerous animal or to kill an animal that is so badly injured that



humanity requires its removal from further suffering and no other disposition is practical.

- 1) *Deputies shall as soon as practical notify their on-duty Supervisor regarding the circumstances surrounding the incident.*
  - 2) *When possible, Santa Clara County Animal Care and Control should be contacted to dispose of wild, injured or deceased animals.*
- b. For target practice at an approved range as directed by the *SCCSO* or *SUDPS* range master in attendance.
  - c. To give an alarm or to call for assistance in a life-threatening situation when no other means can be used, when discharge would not jeopardize the safety of other persons.

A deputy must consider their surrounding and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

For general guidance on use of force principles, please consult General Order 12.00 - Use of Force.

**C. FIREARMS SHALL NOT BE DISCHARGED (IACLEA 7.1.3)**

1. When lesser force can reasonably and effectively be used.
2. When there is an unreasonable risk of danger to bystanders.
3. As a warning to a suspect.
4. At or from a moving vehicle, except when a life-threatening situation requires immediate action in the form of deadly force.
  - a. Deputies shall, when feasible, move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when *he/she* reasonably believes there is no other reasonable means available to avert the threat of the vehicle, or if deadly force is directed at the officer or others.
5. At a moving vehicle with the intent to disable it, except as a member of the *SCCSO SERT team* when the member is directed to do so by the commander in charge of the team.



#### **D. PROCEDURE WHEN FIREARM IS DISCHARGED**

Emergency medical attention shall be provided to any person who sustains any injury requiring medical attention or loss of consciousness, resulting from a deputy's discharge of a firearm, provided that the threat posed to the deputy has subsided and it is safe to render or summon such aid.

Whenever a *SUDPS Deputy* intentionally or accidentally (other than for practice, qualification or recreational purposes) discharges any firearm the deputy shall follow the procedures described in General Order #12.03 - Procedure When a Firearm Is Discharged.

#### **E. SHOOTING REVIEW BOARD**

The Chairperson of the Shooting Review Board, as defined in General Order 12.03, shall convene the board to examine all incidents involving the discharge of a firearm at or towards another person. The Chairperson has the discretion to convene the Shooting Review Board to examine any other incident in which a firearm was used.

For instances when a firearm is discharged other than at a person (for example to kill a dangerous animal), the circumstances shall be reviewed by the deputy's *on-duty Watch Commander/Shift Supervisor* to evaluate all of the facts and to determine if the firearm's discharge is within *SUDPS* policy. The result of the *Watch Commander's/Shift Supervisor's* determination shall be documented on an *employee report (ER)* and forwarded to the *Captain for review*.