

1.3.3 Discharge of Warning Shots

I. POLICY

It is the policy of the Johnstown Police Department that all personnel comply with the provisions of this general order. All personnel shall be trained yearly on this general order

II. PURPOSE

The purpose of this general order is to provide guidelines to personnel in regard to the use of force and weapon safety. This general order outlines Chapter 5 of the Pennsylvania Crimes Code, weapon proficiency and qualification of personnel, medical aid after the use of force and reporting procedures for the use of force.

III. PROCEDURES

Persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy and the dignity due any human being to the extent that such treatment is allowed by the subject's actions. Johnstown Police Officers and civilian employees shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. Personnel shall never use a greater degree of force than that which is lawful, reasonable and necessary for the specific situation. Such reasonable and necessary force may be used to effect an arrest, to overcome unlawful resistance, to prevent an escape from custody to neutralize an unlawful resistance, or to neutralize an unlawfully assault upon an officer or another person. The use of physical force will end immediately when resistance ceases or when the arrest has been accomplished. Emphasis shall always be on obtaining control over the situation rather than forcing submission. Personnel shall not mentally or physically abuse any person that they contact or take into custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer no matter how compelling cannot be considered in determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reasons[s] why the level of force utilized was selected.

1.3.3 continued

Full disclosure of the circumstances requiring the use of force, and the type and the extent of force, shall be thoroughly documented in the departmentally required "Suspect Resistance Report," and in an incident report.

- A. Johnstown Police Officers are prohibited from discharging firearms under the following circumstances.
 - 1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
 - 2. For the purpose of discharging any firearm into the air or ground, i.e., "warning shots," in an attempt to cause a fleeing suspect to stop or surrender.
 - 3. Firing a weapon at or from a moving vehicle

- B. Exceptions
 - 1. A shot fired for the purpose of summoning aid, when more conventional communication is not effective and the safety of others is considered, is authorized.
 - 2. If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle and no other alternative are available.

Effective:

Date: June 14, 2006

By Order Of:

Craig Foust
Chief Of Police