



PHILADELPHIA POLICE DEPARTMENT

DIRECTIVE 10.1

Issued Date: 9-18-15	Effective Date: 9-18-15	Updated Date:
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**SUBJECT: USE OF FORCE – INVOLVING THE DISCHARGE OF FIREARMS
(PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)**

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1. POLICY

- A. It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.
- B. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.
- C. Police Officers shall not use deadly force against another person, unless they have an objectively reasonable belief that they must protect themselves or another person from death or serious bodily injury. Further, an officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time. (PLEAC 1.3.2)
- D. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- E. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger innocent people.
- F. Subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. Officers should be mindful of this when making use of force decisions.
- G. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals when necessary and safe to do so and will not be delayed to await the arrival of medical assistance. (PLEAC 1.3.5)

- H. Officers who witness inappropriate or excessive force have a duty to report such violations to a supervisor and Internal Affairs.
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2. DEFINITIONS

- A. **Objectively Reasonable:** Is a Fourth Amendment standard whereby an officer's belief that they must protect themselves or others from death or serious bodily injury is compared and weighed against what a reasonable or rational officer would have believed under similar circumstances. This determination is made by reviewing all relevant facts and circumstances of each particular case, including, but not limited to, (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

NOTE: Resisting arrest or flight alone would not justify the use of deadly force. While the US Supreme Court identified three (3) factors that should be evaluated in determining whether an officer's use of force was objectively reasonable, this list was not intended to be all inclusive. The **TOTALITY OF THE CIRCUMSTANCES** that led an officer to believe force was needed is critical. Other factors such as, whether an individual is violent, the possibility that the individual is armed, and the number of persons with whom an officer must contend with at the time are all relevant factors to consider. **INDIVIDUAL FACTORS** alone would not give a reasonable officer the belief that deadly force is necessary.

- B. **Resistance:** Is an act by an individual that opposes an officer's lawful commands. There are two types of resistance.
1. **Active Resistance:** Is defined as the use of physical force to defy an officer's lawful arrest or attempt to gain control of a situation that requires police action.

2. **Passive Resistance:** Is defying an officer's lawful order without the use of physical force. Behaviors may include not moving, going limp, locking of arms or tightening of the body.

- C. **Serious Bodily Injury:** is defined as bodily injury which creates a substantial risk of death, causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
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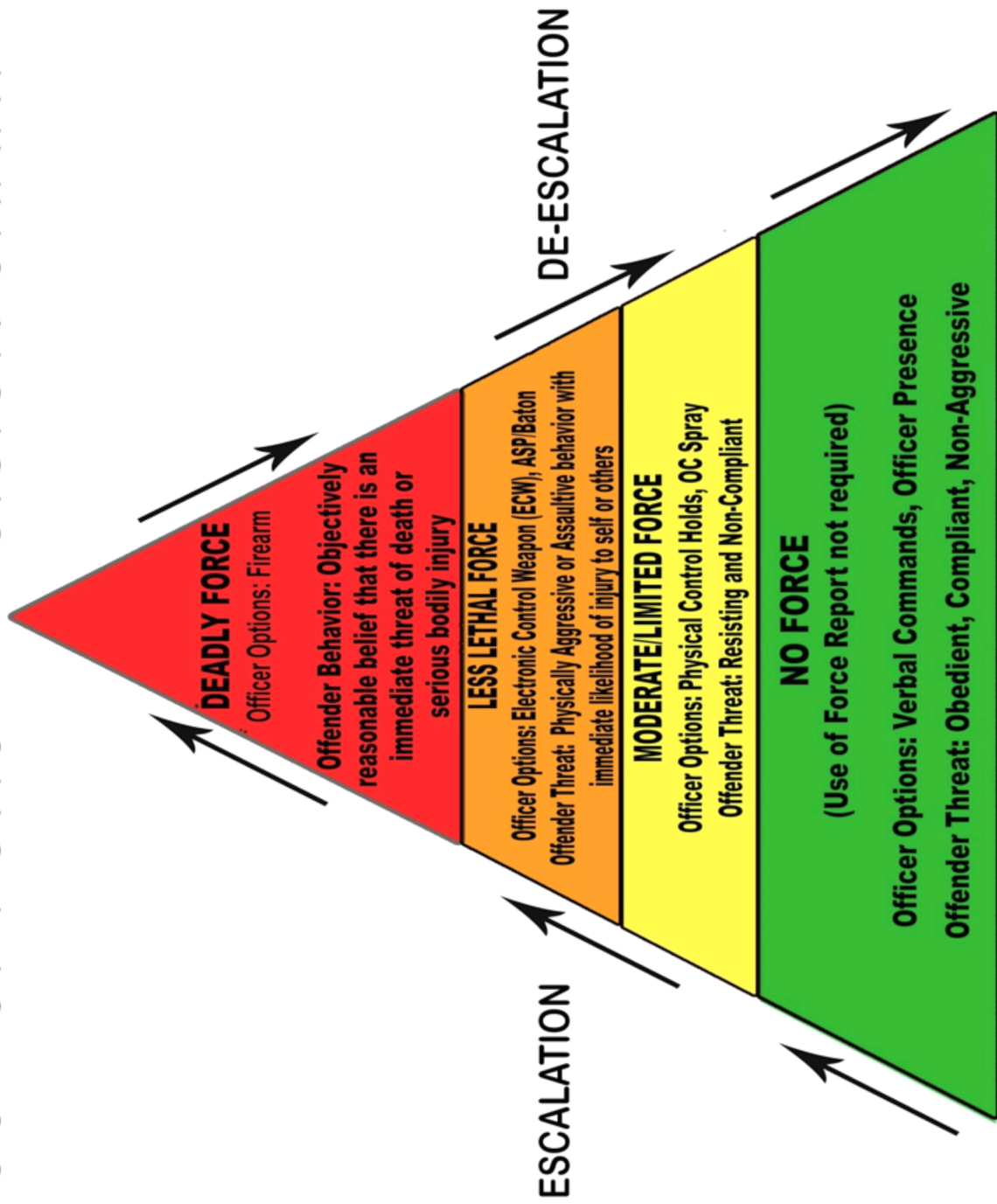
3. **USE OF FORCE**

- A. **GOAL:** To always attempt to de-escalate any situation where force may become necessary. In the event force becomes unavoidable, **to use only the minimal amount of force necessary to overcome an immediate threat or to effectuate an arrest.**

The amount of force, the continued use of any force, and the type of police equipment utilized, all depends upon the situation being faced by the officer. However, once the threat has been overcome, or a subject is secured in custody; it is an officer's responsibility to de-escalate and immediately address any injuries the suspect may have sustained.

- B. **USE OF FORCE** The following diagram illustrates the amount of force an officer should use based on the suspect's behavior and threat.
DECISION CHART: It is the suspect's behavior that places the officer and/or others in danger. The suspect's threat is the primary factor in choosing a force option. However, the officer should also consider the totality of the circumstances to include, but not limited to, a suspect's altered state due to alcohol or drugs, mental impairment, medical conditions, or the proximity of weapons.

USE OF FORCE DECISION CHART



Use the option that represents the minimal amount of force necessary to reduce the immediate threat.

C. The following are examples of how to interpret the Use of Force Decision Chart. These examples are for illustrative purposes and not intended as an exhaustive list.

1. No force is required or authorized when the offender is compliant non-aggressive and responds to verbal commands. Officers may need to handcuff such offenders but this is not considered use of force. No use of force report is required under these circumstances.
2. Moderate/limited use of force may be required when the offender is non-compliant and is resisting the officer's commands. Such behaviors may include pushing or pulling away, locking arms, or tightening of the body. Force including control holds, and OC Spray is authorized under these circumstances. Verbal aggression by itself does not warrant the use of force.

EXCEPTION: Protestors/Demonstrators that are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, OC Spray **SHALL NOT BE USED** to overcome the resistance. Rather, officers will disengage and contact a supervisor. If necessary, additional officers will be used to overcome the resistance.

3. The use of the Electronic Control Weapon (ECW) and/or ASP/Baton is authorized when the offender is physically aggressive or assaultive and there is a immediate likelihood that they may injure themselves or others. Such behaviors may include punching, kicking, grabbing, or approaching with a clenched fist.

EXCEPTION: Protestors/Demonstrators that are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, ECW **SHALL NOT BE USED** to overcome the resistance. Rather, officers will disengage and contact a supervisor. If necessary, additional officers will be used to overcome the resistance.

4. Deadly force is authorized when the officer has objectively reasonable belief that they must protect themselves or another person from the immediate threat of death or serious bodily injury.
5. An officer may address an offender's immediate threat with any option to the level of threat or lower. For example, an officer may use their ASP/Baton, OC Spray, or ECW on an offender displaying assaultive behavior with a likelihood of injury to themselves or others. They cannot use an ECW on an offender who is only non-compliant.

NOTE: The mere handcuffing of a compliant individual is not considered force.

4. SPECIFIC PROHIBITIONS

- A. Police officers shall not draw their firearms unless they reasonably believe an immediate threat for serious bodily injury or death to themselves or another person exists.
- B. Police officers shall not discharge their firearms in defense of property.
- C. Police officers shall not use a firearm as a club.
- D. Police officers shall not fire warning shots under any circumstances. (PLEAC 1.3.3)
- E. Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immediate use of force.
- F. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no immediate threat of death or serious physical injury to themselves or another person.
- G. Police officers shall not discharge their firearms **FROM** a moving vehicle unless the officers are being fired upon. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
- H. Police officers shall not discharge their firearms **AT** a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle).
 - 1. A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force.
 - 2. Officers shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, **SHALL NOT** be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.

NOTE: An officer should never place themselves or another person in jeopardy in an attempt to stop a vehicle.

3. The prohibitions regarding the discharge of a firearm at or from a moving vehicle exist for the following reasons:
 - a. To avoid unnecessarily endangering innocent persons, both when inside the vehicle and in the vicinity.
 - b. Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle.
 - c. Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent bystanders.
 - d. Moving to cover in order to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

NOTE: Barring exigent circumstances, (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence, since this has been known to result in serious injury to officers.

- I. Police officers with revolvers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.
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5. REPORTING DISCHARGES OF FIREARMS

- A. The discharge of any firearm, whether accidental or intentional, by sworn personnel on duty or off duty (except test or target fire at a bona fide pistol range or lawfully hunting game) will be reported as follows:
 1. The officer who fired the weapon will:
 - a. Immediately notify Police Radio of the occurrence and provide pertinent information regarding the need for supervisory personnel and emergency equipment if required.
 - b. Inform the first Supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence. State whether they were wearing a body-worn camera (BWC) and if so, was it activated during the incident.

- c. Make no official statements to anyone except personnel from Internal Affairs. However, this provision shall not be construed to prohibit the officer from speaking to any counselor or union representatives regarding the incident while at Internal Affairs or at any time afterwards. The reporting officer may review their BWC video of the incident prior to making a statement.
- 2. Each officer at the scene of a discharge of a firearm by any police officer will:
 - a. Notify Police Radio of the discharge, unless the officer knows Police Radio has already received such a notification.
 - b. Inform the first Supervisor on the scene of the circumstances of the discharge and provide all relevant information concerning the incident.
 - c. Ensure the provisions of Directive 4.1, “Responsibilities at Crime Scenes” are followed.
 - d. Report to the first supervisor on the scene, whether they had a BWC and if it was on during the incident.
- 3. Police Radio will:
 - a. Ensure that a district Supervisor is dispatched to the scene.
 - b. Immediately make the following notifications:
 - 1) Internal Affairs
 - 2) Homicide Division (only when death occurs, is likely to occur, or an officer is struck by gun fire)
 - 3) Detective Division of Occurrence
 - 4) District of Occurrence
 - 5) District or Unit to which officer is assigned
 - 6) Command Inspection Bureau (CIB), if applicable
 - 7) Crime Scene Unit (CSU)
 - 8) RTCC to identify all City owned or privately owned cameras
 - 9) Police Advisory Commission (PAC) Executive Director
 - c. Notify the Commanding Officer, Employee Assistance Program (EAP) of the police discharge. The Commanding Officer, EAP, will have police radio notify the on-call peer counselor and they will contact police radio for details of the shooting.
- 4. First Supervisor on the scene will be responsible for the following:
 - a. Ensure that Police Radio has been notified of the incident.

- b. Ensure that the provisions of Directive 4.1, "Responsibilities at Crime Scenes" are carried out and protect and secure the crime scene.
- c. Determine which officer(s) discharged their weapon(s) by examining the magazine/cylinder of the weapon of each officer present during the discharge.
- d. Ensure any officer having left the scene prior to the Supervisor's arrival will be recalled in order to have their weapon inspected.
- e. Determine if any officer at the scene had a BWC and whether it was on during the incident.

- 1) Collect all BWCs with video of the incident.
- 2) Ensure the videos are captured and stored as evidence.
- 3) The involved officer may review only their BWC video prior to making any official statements to Internal Affairs.

- f. The involved officer will conduct a walkthrough of the scene with the supervisor providing necessary information for the Supervisor's Firearm Discharge Checklist (75-654) prior to viewing their BWC video.
- g. The supervisor will take possession of the evidence bag containing the officers weapon and transport the weapon to Internal Affairs.

- 1) Glock (semi-automatic) weapon inspection:

Instruct the officer(s) to remove the magazine for inspection and note the number of rounds. If the weapon has been fired, record the number of remaining rounds and take possession of the magazine. Supervisors, who are not Glock-trained, are prohibited from physically handling the weapon (excluding the magazine) during the inspection.

- 2) Revolver inspection:

Pay special attention to the cylinder position before ordering the officer to open their weapon's cylinder. Note the condition of each round in all chambers and what chamber was located under the firing pin when the cylinder was opened. If the weapon has been fired, take note of the number of spent cartridges and take possession of all six rounds of ammunition, live or spent.

3) Patrol Shotgun inspection:

In a situation where a police officer has discharged a patrol shotgun, a patrol supervisor will remove the remaining rounds from the magazine, open the action to make the weapon safe and make a note of the remaining rounds. Supervisors, who are not Patrol Shotgun/Patrol Rifle trained, are prohibited from physically handling the weapon (excluding the magazine) during the inspection.

4) Patrol Rifle inspection:

In a situation where a police officer has discharged a patrol rifle, a patrol supervisor will remove the magazine, make the weapon safe, remove the remaining rounds from the magazine and make a note of the remaining rounds. Supervisors, who are not Patrol Shotgun/Patrol Rifle trained, are prohibited from physically handling the weapon (excluding the magazine) during the inspection.

NOTE: In the event the responding patrol supervisor is not trained to handle the patrol shotgun/rifle, a trained supervisor from an adjoining district or a SWAT supervisor will be requested to respond to the location.

- h. Ensure information concerning the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence is provided by the involved officer(s) and disseminated to the assigned investigator by remaining at the scene until the arrival of divisional detective personnel. The first supervisor on the scene will use the Supervisors Firearm Discharge Checklist (a copy is attached at the end of this directive) to determine required information.

NOTE: The Supervisors Firearms Discharge Checklist card will be carried by all patrol supervisors.

- i. Will escort the involved officer, if not incapacitated, directly to Internal Affairs. When reasonable, discharging officers should be transported separately. If additional vehicles are needed; additional supervisors will be summoned to provide transportation.

NOTE: The first Supervisor on the scene (Corporal, Sergeant, or Lieutenant) will not delegate the responsibility of transporting officers to any other supervisor regardless of the district/unit assignment of the officer(s) involved. However, command-level personnel (Captain or above) may assign a subordinate Supervisor to transport involved officers in the event a commander is the first superior officer on the scene.

- j. Will brief the PAC Executive Director or designee on all the known facts of the discharge.
- k. Ensure they follow the replacement weapon protocol in Section 5-B.

NOTE: The responding PAC observer **WILL NOT** be given access to the crime scene.

- 5. The Operations Room Supervisor (ORS) of the district of occurrence will:
 - a. Make notification via a computer terminal to Internal Affairs by accessing the Use of Force Notification Screen on the PPD Intranet homepage.
(PLEAC 1.3.6)

B. Replacement weapon protocol for Officer Involved Shootings (OIS).

- 1. This protocol will only be used when an officer discharges at a person, whether or not the person is struck, or in cases where the suspect may have handled the weapon (i.e., in a struggle for the weapon) resulting in touch DNA evidence.
- 2. The first supervisor on the scene will ensure Police Radio notifies the SWAT Unit assigned to the ROC Division where the discharge occurred. SWAT personnel will immediately respond to the location of occurrence to issue a replacement weapon, a paper evidence bag and protective gloves.
- 3. The officer who fired the weapon will remove the magazine, un-chamber the round and make the weapon safe by locking the slide to the rear. If the weapon is a revolver, the weapon will be unloaded and made safe. The firearm will be placed in the paper evidence bag, sealed, and the label will be filled out completely and turned over to the supervisor.
 - a. To preserve the integrity of DNA evidence, latex or non-latex, gloves will be worn when securing, rendering safe and packaging the weapon in the paper evidence bag.
- 4. The first supervisor on the scene will ensure that the paper evidence bag, with the label filled out completely and accurately, is delivered to Internal Affairs.

NOTE: All officers and supervisors should carry personal protection equipment (PPE) (i.e., latex or vinyl gloves) which are available at the Police Warehouse located at 660 East Erie Avenue.

- 5. SWAT Units assigned to each ROC Division will carry replacement weapons (8-10 firearms) comprised of 9MM, 40, 45, and 38 calibers. The weapons will be carried on all tours and accounted for daily.

6. In the event that SWAT is unavailable (i.e., training, barricade) the ORS at SWAT Headquarters will retrieve a replacement weapon from the vault and have it immediately delivered to the location of occurrence along with a paper evidence bag and protective gloves.
 - a. Personnel assigned to the SWAT Operations Room will ensure they monitor “J” Band on all tours.

C. Reporting Discharges of Firearms OUTSIDE Jurisdiction

1. The officer who fired the weapon will:
 - a. Call the local Emergency 9-1-1 to notify the jurisdiction of occurrence.
 - b. Comply with the directions given by the local investigating law enforcement officials.
 - c. Call the Philadelphia Police Radio Room at (215-xxx-xxxx) so the proper notifications can be made.
2. Police Radio will:
 - a. Notify Command Inspection Bureau (CIB) or district/unit Commanding Officer depending on the time of occurrence.
 - b. Notify Internal Affairs and provide pertinent information regarding the discharge.
3. Internal Affairs will:
 - a. Be immediately notified of any incident involving the discharge of a firearm by police. The Internal Affairs Shooting Team, will be notified of any incident involving the discharge of a firearm by Philadelphia Police personnel. In addition, the Shooting Team will be notified whenever a city issued or privately owned weapon of a Philadelphia Police Officer is discharged, intentionally or accidentally, by someone other than the respective officer.
 - b. Notify the local investigative agency, speak to the assigned investigator, and request if Internal Affairs can respond to the scene or meet with the investigator.
 - c. Respond to any discharge within reasonable driving distance (2-3 hours).
 - d. If permissible, obtain any documents and/or interviews pertaining to the discharge.

D. Research and Analysis Unit will:

1. Report all crime through the online Pennsylvania Uniform Crime Reporting System as specified by the Federal Bureau of Investigation (FBI).
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6. INVESTIGATION OF POLICE DISCHARGES

A. The Homicide Unit will:

1. Investigate all cases involving the discharge of firearms by police personnel resulting in or likely to result in death of a human being or when an officer is struck by gunfire. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to Internal Affairs within seven (7) calendar days. (PLEAC 1.3.6)
2. Ensure that all pertinent death notifications have been made.
3. Ensure that any video that captured the incident is obtained, stored and processed as evidence.

B. The Detective Division of Occurrence will:

1. Investigate all other cases involving the discharge of firearms by police personnel. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to Internal Affairs within seven (7) calendar days. (PLEAC 1.3.6)
2. Ensure that any videos that captured the incident are obtained and processed as evidence.

NOTE: Other investigative units involved will coordinate their efforts with the assigned detective division.

C. Crime Scene Unit personnel will:

1. Process the scene after conferring with the assigned investigator.

D. The Discharging Officer's Commanding Officer will:

1. Ensure the Commanding Officer, Internal Affairs is notified.
2. Contact the Police Department's Employee Assistance Program (EAP), within five (5) business days, in order to arrange confidential counseling whenever an officer has discharged their firearm, except at an animal.

NOTE: Commanding Officers may use their discretion regarding required EAP counseling when the discharge is at an animal.

3. Be responsible for having the officer retrained at the Firearms Training Unit (FTU) before returning to duty (Exception: discharges at deer.)
4. Whether or not the discharge results in death or injury to any person, the officer shall be temporarily assigned to non-street duties. (PLEAC 1.3.7)

EXCEPTION: Officers who discharge at deer will be returned to duty immediately after arrival of an Internal Affairs investigator. Internal Affairs will not respond to the scene when SWAT has killed a deer or other wild animal, except canines.

5. An officer will return to active street duty as soon as possible after the officer has attended their scheduled visit with Employee Assistance Program (EAP), completed their required training at the FTU and based on the recommendation of Internal Affairs.

NOTE: Officers must be approved for return to active street duty by either the Police Commissioner or the First Deputy Commissioner.

E. Commanding Officer, Employee Assistance Program (EAP) will:

1. Have the assigned peer counselor respond to Internal Affairs to meet the discharging officer for an initial assessment. During the initial assessment, the peer counselor will explain the emotions that the officer might be experiencing and explain the procedures that will occur following their discharge (i.e. reporting to the FTU and EAP.).

NOTE: EAP peer counselors will only respond to police discharges where the suspect was fatally wounded or injured as a result of the discharge. The exception is when there is a request from the investigating shooting team, the officer's Commanding Officer, CIB or the Commanding Officer, EAP.

2. Have the peer counselor conduct a confidential follow-up assessment and provide referral information to the officer. The officer will be encouraged to contact Penn Behavioral Health (PBH).
3. Have the peer counselor, upon the completion of the session with EAP or the Penn Behavioral Health provided counselor; fax a memorandum to the Commanding Officer, Internal Affairs Shooting team, stating the officer has attended their appointment with EAP. All other information is prohibited from being released. All EAP sessions are **STRICTLY CONFIDENTIAL** and information pertaining to the session cannot be released without the officer's permission.

NOTE: EAP is a support service and is not involved in the investigation of the police shooting.

F. Internal Affairs will:

1. Assist in all investigations involving discharges of firearms by police personnel.
2. Ensure a member of the Internal Affairs Shooting Team interviews the officer(s) that discharged their weapon, separately.
3. Prepare a Supplemental Report (75-52) detailing the results of the Internal Affairs investigation. (PLEAC 1.3.6)

NOTE: Upon completion of the supplemental report, the Chief Inspector, Office of Professional Responsibility, will forward a complete report to the Deputy Commissioner, Office of Professional Responsibility, who will forward it to the Police Commissioner.

4. Notify the Commanding Officer of the discharging officer's status.

7. CUSTODY AND DISPOSITION OF ALL FIREARMS DISCHARGED BY POLICE PERSONNEL

- A. Internal Affairs will prepare a Property Receipt (75-3) at Internal Affairs containing the following information: the firearm's make, model, caliber, and serial number. A second 75-3 will be prepared for the fired cartridge(s) and unfired ammunition. Internal Affairs Police Shooting case number will be indicated on both Property Receipts.
- B. In discharges of firearms not resulting in injury and in any discharge (accidental or intentional) resulting in the shooting of an animal, the discharged firearm (including patrol shotguns and/or patrol rifles) will be given to the transporting supervisor in accordance with the following guidelines:

NOTE: When transporting a patrol shotgun and/or patrol rifle, prior to leaving the scene, the transporting supervisor will secure the patrol shotgun and/or patrol rifle in the vehicle lock box after making the weapon safe.

1. When the firearm will be returned, the assigned Internal Affairs investigator will designate, in the description section of the Property Receipt containing the firearm information, "**FIREARM IS TO BE TEST FIRED AND RETURNED.**" The assigned Internal Affairs investigator's signature and date will follow. Internal Affairs will retain the white (control) copy of the Property Receipt for their records.

2. The transporting supervisor will transport the firearm, fired cartridge(s), and unfired ammunition and both Property Receipts directly to the Firearms Identification Unit (FIU).
 - a. When the Firearms Identification Unit (FIU), 843 North 8th Street, Room 022 is open, FIU will test fire and make every effort to expedite the examination and return the weapon to the involved officer. The test shots and firearm related materials (bullets, specimens, and/or fired cartridge cases) will be retained at FIU.

NOTE: Evidence Intake Unit is open 24 hours a day, weekends, and holidays.

- b. When FIU is closed, the Evidence Receiving Clerk - Laboratory Division will aid the officer in securing their firearm in the mobile firearm's storage box. A replacement firearm of the same caliber will immediately be issued to that officer. Subsequently, the FIU will contact the officer for return of their original firearm.
 - c. The firearm will be unloaded and made safe, but not cleaned prior to examination.
 - d. Upon completion of the FIU examination, a copy of the findings will be forwarded to Internal Affairs and the pertinent detective division.
- C. In all deliberate shootings (not involving animals) where an injury or death occurs and all accidental discharges of firearms resulting in injury or death, Internal Affairs will:
 1. Assign an Internal Affairs investigator who will interview the involved officer and determine if the firearm can be returned to the officer.
 2. If the firearm is to be returned to the officer, follow the procedure in Section 7-B-1 and 2 in this directive, except the actual transportation of the weapon to FIU will be done by Internal Affairs.
 3. If the firearm is not to be returned, the assigned Internal Affairs investigator will designate in the description section of the Property Receipt containing the firearm information one of the following:
 - a. FIREARM IS TO BE TEST FIRED AND RETAINED—ISSUE A REPLACEMENT WEAPON.
 - b. FIREARM IS TO BE TEST FIRED AND RETAINED—DO NOT ISSUE REPLACEMENT WEAPON.

4. The assigned Internal Affairs investigator's signature and date will follow. Internal Affairs will retain the white (control) copy of any Property Receipt.
5. The assigned Internal Affairs investigator will transport the firearm, fired cartridge(s), and unfired ammunition, and both Property Receipts directly to the Firearms Identification Unit (FIU).
 - a. When the Firearms Identification Unit (FIU) is open, the FIU clerk will take possession of the weapon and other material.
 - b. When FIU is closed, the Evidence Receiving Clerk, Laboratory Division, will aid the Internal Affairs investigator in properly securing the weapon and related material in the mobile firearm's storage box.
 - c. If a replacement firearm is to be issued, the involved officer, upon leaving Internal Affairs, will proceed to FIU or Evidence Receiving Clerk-Laboratory Division.
6. FIU will test fire the firearm in question, forward a copy of the findings to Internal Affairs and the pertinent Detective Division.

D. City or Privately Owned Firearms

1. Internal Affairs will determine the disposition of the City-owned firearm and notify FIU to transport the discharged firearm to the Firearms Training Unit. All other evidence, including fired cartridge(s) and unfired ammunition will be stored at FIU until released by Internal Affairs.
2. During the second week of January, a status review of City-owned firearms being retained under the above conditions will be conducted by the Commanding Officer, Firearms Training Unit. Internal Affairs will determine which weapons may be returned to inventory. The Commanding Officer, Firearms Training Unit will submit a final report to the Deputy Commissioner, Organizational Services, by February 28th of each year, detailing the status of all firearms being retained.

8. DISCHARGES INVOLVING ANIMALS

A. Destroying Injured Deer

1. Firearms should not be used to destroy injured deer when they are not presenting an immediate threat to the officer or another person. Attempt to contact the Pennsylvania Game Commission at (610) 926-3136 or (610) 926-1966.

2. If the above agency is unavailable, and the severities of the injuries are such that the animal should be destroyed for humane reasons, officers will first request the assistance of the SWAT Unit, who will be responsible for its destruction.
3. SWAT personnel will:
 - a. Upon destroying an animal, be responsible for completing the preformatted memorandum and a 75-48.
 - b. The memorandum and 75-48 will be submitted to the Internal Affairs Shooting Team within 24 hours of the incident.
 - c. If the SWAT Unit is unavailable, the officer may destroy the deer, but only in the presence and on the orders of a Supervisor.

NOTE: Usually one shot between the eyes or behind the ear of the animal should be sufficient to complete the task. However, in the event it becomes necessary for police personnel to destroy any animal suspected of being rabid by use of a firearm, it is preferred that the animal be shot in the body rather than the head. The head needs to be examined by the Philadelphia Department of Public Health.

4. Police Radio will notify the Internal Affairs Shooting Team. The discharging officer and the on scene Supervisor will remain on the scene until their arrival. (Exception: When SWAT personnel have performed the task.)
5. Consideration should be given before discharging a weapon to destroy any animal (i.e., the close proximity of people and buildings, the type of back stop or ground).
6. The Streets Department will be notified, via Police Radio, to remove the carcass of deer or other animals found or destroyed by police personnel. Suspected rabid animals that are shot by police will be transported by Animal Care and Control Team (ACCT). Dogs that are shot by police will be transported by ACCT or to ACCT by police personnel. They will not be transferred to any veterinary hospital or private veterinarian even if, the animal is still alive.

B. Discharges Involving Other Animals

1. Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat, or when acting consistently with existing Department guidelines authorizing the humane destruction of deer.

- a. When on location with an injured animal which is not presenting an immediate threat to the officer or another person, every attempt should be made to confine or contain the animal and notify Police Radio to have them contact the Animal Care and Control Team (ACCT).
2. In all cases where a dog is shot and injured by the police, the animal will be transported directly to ACCT for examination by a veterinarian.

NOTE: Police personnel will not transport an injured dog shot by police to a veterinary hospital unless exigent circumstances exist and upon approval of a supervisor (ex. ACCT or SPCA is unavailable).

9. RELEASE OF INFORMATION REGARDING OFFICER INVOLVED SHOOTINGS (OIS)

- A. A press conference and/or an official press statement will be released by the Police Commissioner or designee within 72 hours of an officer involved shooting in which an individual was killed or wounded as a result of a weapons discharge by a member of the Department. The information will include officer's name, years of service, assignment and duty status.
 1. The officer(s) will be placed on Administrative Duty Status pending the outcome of the investigation.
 2. The release will contain a preliminary summary stating the circumstances of the incident known at the time and based on the facts collected and confirmed by the investigators. The release will provide a brief synopsis of the incident, condition (injuries) of the individual, charges (if applicable), and the proceeding steps of the investigation. Names of the individual suspect or the officer will be released unless there are public safety concerns.
 3. A preliminary summary based on the facts collected and confirmed by the investigators will be placed on the Philadelphia Police Department's website in the OIS (Officer Involved Shooting) section of the site.
 4. The summary on the Department's website may be updated based on the Department's further investigation of the incident.
- B. The First Deputy will ensure the following steps are followed:
 1. Ensure Internal Affairs provides the involved officer with a Safeguard Protocol memorandum when the officer makes their official statement.

2. Ensure that Internal Affairs notifies the Deputy Commissioner, Patrol Operations, Criminal Intelligence, Police Radio and Public Affairs when the Safeguard Protocol is activated.
- C. The Commanding Officer, Criminal Intelligence in conjunction with DVIC Social Media Investigative Support Team (SMIST), will perform a threat assessment on the OIS within seventy two (72) hours prior to disclosure of the officer's identity and prepare a report.
1. The results of the threat assessment report will be forwarded to the First Deputy Commissioner Field Operations or his designee, who will review the threat assessment report with the involved officer and their Commanding Officer.
 2. Field Operations will offer to provide a security detail at the officer's residence, longer if needed, following the release of information in reference to the Officer Involved Shooting. If the officer(s) lives outside the city, patrol will work with the affected jurisdiction to provide coverage or provide the coverage necessary if the outside jurisdiction is unable to do so. The final decision to implement a security detail will be left to the officer's discretion.
 - a. If the involved officer resides within the boundaries of Philadelphia, the detail will be assigned to the district where the officer resides.
 - b. If the involved officer resides outside the boundaries of Philadelphia, the detail will be assigned to the officers district/unit of assignment if the outside jurisdiction is unable to provide coverage.
 - c. If any conflict arises as a result of detail assignments, the First Deputy will have the final decision on how to provide the manpower for the security detail.
 3. Police Radio will enter the officer's home address into CAD and give Priority 1 status to calls for help coming from that location.
 4. If the officer lives outside the boundaries of Philadelphia, Field Operations will make a request to the appropriate jurisdiction to enter the officer's home address into their CAD and respond accordingly to calls for help coming from that location.
- D. Commanding Officer, Criminal Intelligence in conjunction with the DVIC Social Media Investigative Support Team (SMIST) will contact the involved member and discuss ways they can review their social media footprint to minimize the amount of personal information posted on-line and discuss the steps they can take, if needed, to protect themselves against identity theft.
- E. A copy of the Officer Involved Shooting (OIS) Safeguard Protocol memorandum is attached at the end of this directive.

10. ANNUAL REVIEW

- A. Research and Planning in conjunction with Internal Affairs and the Training and Education Services Bureau shall review this directive annually and recommend any updates and changes through the appropriate chain of command to the Police Commissioner.

RELATED PROCEDURES:	Directive 3.14,	Hospital Cases
	Directive 3.20,	Animal Control
	Directive 4.1,	Responsibilities at Crime Scenes
	Directive 4.10,	Foot Pursuits
	Directive 4.16,	Media Relations and the Release of Information to the Public
	Directive 6.15	Employee Assistance Program (EAP)
	Directive 10.2,	Use of Force/Less Lethal Force
	Directive 10.3,	Use of the Electronic Control Weapon (ECW)
	Directive 10.4,	Use of Force Review Board (UFRB)
	Directive 10.6,	Firearms Policy: On or Off Duty
	Directive 10.7,	Critical Response/Critical Incident Negotiations
	Directive 10.9,	Severely Mentally Disabled Persons
	Directive 10.10,	Off Duty Police Actions
	Directive 12.14,	Injuries on Duty and Other Service Connected Disabilities

BY COMMAND OF THE POLICE COMMISSIONER

PLEAC – Conforms to the standards according to the Pennsylvania Law Enforcement Accreditation Commission

SUPERVISOR'S FIREARM DISCHARGE CHECKLIST

1. Did you discharge your firearm?
 - a) If so, in what direction?
 - b) Approximately, where were you located when you fired?
 - c) How many shots do you think you fired?
 - d) Approximately, where was the suspect at when you fired?
2. Is anyone injured?
 - a) If so, where are they located?
3. Are there any outstanding suspects?
 - a) If so, what is their description?
 - b) What direction and mode of travel?
 - c) How long have they been gone?
 - d) What crime(s) have they committed?
 - e) What type of weapon do they have?
4. Is it possible the suspect fired rounds at you?
 - a) If so, what direction were the rounds fired from?
 - b) How many shots do you think the suspect fired?
 - c) Approximately, where was the suspect located when they fired?
5. Do you know if any other officer(s) discharged their firearms?
 - a) If so, who are they?
 - b) Approximately, where was the officer(s) located when they fired?
6. Are there any weapons or evidence that needs to be secured/protected?
 - a) If so, where are they located?
7. Are you aware of any witnesses?
 - a) If so, where are they located?
8. Were you wearing a body-worn camera?
 - a) If so, was the camera on during the incident?

MEMORANDUM

POLICE
CITY OF PHILADELPHIA
DATE:

TO :

FROM : Police Commissioner

SUBJECT: OFFICER INVOLVED SHOOTING (OIS) SAFEGUARD PROTOCOL

1. A member of the Internal Affairs Shooting Team will review the information contained within this memorandum with the Officer(s) involved in the shooting. This will ensure the Officer(s) understand that a press conference and/or official press release will be released by the Police Commissioner or his designee within 72 hours of an officer involved shooting. The information will include the officer's name, years of service, assignment and duty status.
2. The Commanding Officer, Criminal Intelligence in conjunction with DVIC Social Media Investigative Support Team (SMIST), will perform a threat assessment on the OIS within seventy two (72) hours prior to disclosure of the Officer's identity and prepare a report.
3. The results of the threat assessment report will be forwarded to the First Deputy Commissioner Field Operations or his designee, who will review the threat assessment report with the involved Officer and their Commanding Officer.
4. A security detail will be provided at the Officer's residence following the release of information in reference to the Officer Involved Shooting according to Directive 10.1 "Use of Force- Involving the Discharge of Firearms". The final decision to implement a security detail will be left to the involved Officer's discretion.
5. Police Radio will enter the Officer's home address into CAD and will give Priority One (1) status to any call for help coming from that location.
6. If the Officer lives outside the boundaries of Philadelphia, Field Operations will make a request to the appropriate jurisdiction to enter the Officer's home address into their CAD and respond accordingly to calls for help coming from that location.
7. Criminal Intelligence in conjunction with DVIC Social Media Investigative Support Team (SMIST), will discuss ways that the involved Officer(s) and their family members can review their social media footprint to minimize the amount of personal information posted on-line. In addition, Criminal Intelligence in conjunction with DVIC SMIST, will educate the involved Officer(s) on the necessary steps they can take to protect themselves against identity theft if needed.

Police Commissioner
Charles H. Ramsey
Philadelphia Police Department