

Draft Language from Commissioner Leftwich

SHOOTING AT OR FROM MOVING VEHICLES

300.4.2 SHOOTING AT OR FROM MOVING VEHICLES

Officers shall not discharge firearms from a moving vehicle. Officers shall not discharge firearms at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening an officer or another person present with deadly force and no other means are available at that time to avert or eliminate the danger. The moving vehicle alone does not presumptively constitute a threat that justifies the use of deadly force unless it is being used in an imminent attack on a crowd or a mass casualty terrorist event.

Officers shall not move into, remain, or otherwise position themselves in the path of a vehicle in an effort to detain or apprehend the occupants. Any officer in the path of a moving vehicle shall immediately attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.

BACKGROUND/SOURCES

PERF's 30 Guiding Principles on Use of Force

POLICY 8

Agencies should adopt a prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself. *Examples* According to the Washington Post database of fatal officer-involved shootings, in approximately 5% of the 990 incidents in 2015, the subject was using a vehicle as a weapon.<sup>55</sup> The prohibition on shooting at moving vehicles is already in place in many agencies. It has been part of PERF's use-of-force recommendations to individual agencies for years, and is included in the model use-of-force policy from the International Association of Chiefs of Police. Agencies with this policy currently in effect include the following:

- New York Police Department<sup>56</sup> (enacted in 1972)
- Boston Police Department<sup>57</sup>
- Chicago Police Department<sup>58</sup>
- Cincinnati Police Department<sup>59</sup>
- Denver Police Department<sup>60</sup>

- Philadelphia Police Department<sup>61</sup>
- Washington, DC Metropolitan Police Department<sup>62</sup>

## Camden

**Strict additional requirements must be met before an officer may use deadly force against a moving vehicle.** While any firearm discharge entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the officer reasonably believes:

- a. There exists an imminent danger of death or serious bodily harm to the officer or another person; *and*
- b. No other means are available at that time to avert or eliminate the danger.