

Restrict Shooting at Moving Vehicles



Research shows that shooting at moving vehicles is a dangerous and ineffective tactic with a high risk of injuring bystanders.¹⁶ Campaign Zero's 8 Can't Wait initiative recommends that police departments restrict the circumstances under which officers may shoot at moving vehicles.¹⁷

In Resolution 95, the Austin City Council said it was the official policy of the City that “[u]se of deadly force against individuals, including persons fleeing (in vehicle or on foot), shall be limited to situations where necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury, and either there were no other reasonable alternatives to prevent serious injury, or death or all reasonable alternatives have been exhausted.”¹⁸

APD's current policy is silent on the issue of shooting from moving vehicles and does not sufficiently restrict shooting at moving vehicles.¹⁹ Increasing restrictions on shooting at moving vehicles has been shown to contribute to a reduction in officer-involved shootings.²⁰

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on restricting shooting at moving vehicles

Quantitative Data

- 51% of respondents reported that they felt safe with the current policy on shooting at moving vehicles
- 56% of respondents disagreed that, under all circumstances, shooting at moving vehicles should be prohibited
- 47% of respondents agreed that officers should be prohibited from the act of shooting while driving or riding in a moving vehicle, while another 47% disagreed

Qualitative Data

Over half of respondents supported the current policy for shooting at moving vehicles, and believe it should be allowed when necessary. Some respondents support shooting at moving vehicles because they believe an officer is adequately trained on this action; however, APD officers are not trained in this area.²¹

Those who expressed support for restricting shooting at moving vehicles reasoned that it can be inaccurate and unsafe due to the additional variables created by a vehicle in motion. Additionally, community members expressed concern that a moving vehicle could be perceived as a threat when, in fact, there was no threat. For example, an officer may perceive a vehicle in motion as a threat, even if it is driving away from officers and bystanders. Further, those who supported OPO's policy changes responded that there should be more guidelines within this policy, and that shooting at

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moving vehicles should be restricted except for instances when a vehicle poses immediate, life-threatening danger.

Those who responded that no change was needed reasoned that a car could be used as a weapon and that situations happen too quickly to restrict officers. Additionally, those not in support of OPO's proposed changes responded that the policy change was too restrictive and that a vehicle used as a weapon could directly impact an officer's safety.

Below are selected comments from community feedback:

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“Re: shooting at moving vehicles, Lexipol policy manual states shots fired at and from a moving vehicle are rarely effective. Behavioral change must be more effective.”

“The only reason to shoot at a vehicle is if the vehicle is moving towards the officer and they should only be able to shoot at the tires to stop the vehicle from moving. If the officer feels someone's life is in danger inside the vehicle and the vehicle is moving away from the officer they should be able to shoot the tires. If my child was in a car with a kidnapper and an officer was there I would want them to stop the car. If the car is moving away from the officer, shoot the tires, if the car is moving towards the officer they should be able to shoot the tires. Shooting at tires is the best thing.”

“I suggest that officers can only shoot at a moving vehicle only to disable the vehicle and not to shoot at occupants of the vehicle.”

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Recommendations from community feedback

Adopt OPO's amended recommendations

OPO's preliminary review of APD's policy on shooting at moving vehicles highlighted two concerns:²²

- Shooting at moving vehicles was not sufficiently restricted
- The policy was silent on the topic of shooting from moving vehicles

While the majority of community members supported APD's existing policies, many community members' responses demonstrated misunderstandings as to the effectiveness of the tactics and the current training offered to APD officers.

In its Phase I report, OPO made a series of recommendations to improve APD's policies, particularly considering the fact that APD does not train officers to shoot at or from moving vehicles.

The table below compares APD's current policies and OPO's proposed recommendations with Austin City Council Resolution 95, 8 Can't Wait, and best practices from leading police organizations.

Table 1. Comparing OPO's Proposed Recommendations and APD's Current Policy on Shooting at Moving Vehicles

OPO's Proposed Recommendations	APD's Current Policy
Aligns with information from:	Aligns with information from:
 YES Police Executive Research Forum ²³	 NO Police Executive Research Forum ²⁷
 YES International Association of Chiefs of Police ²⁴	 NO International Association of Chiefs of Police ²⁸
 8 Can't Wait ^{*25}	 NO 8 Can't Wait ²⁹
 YES Austin City Council Resolution 95 ²⁶	 NO Austin City Council Resolution 95 ³⁰

**Model policies for Campaign Zero's 8 Can't Wait initiative do not address mass casualty incidents.*

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Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information. In fact, in June 2021, the Police Executive Research Forum published a statement doubling down on its position, which aligns with OPO’s recommendations. The Police Executive Research Forum is a non-profit police research and policy organization that informs policy and training at law enforcement agencies nationwide, including APD.³¹ In particular, the Police Executive Research Forum recommends that “[a]gencies 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.”³²

OPO has analyzed the community’s feedback. OPO has also considered current best practices, including the consensus among experts that shooting at or from moving vehicles is dangerous and rarely effective even when officers are trained.³³ After examining all of this information, OPO recommends that APD adopt OPO’s preliminary recommendations with the following amendment:

Table 2. OPO’s Preliminary and Amended Recommendation to APD’s Policy on Shooting at Moving Vehicles

OPO’s Preliminary Recommendation GO 202.1.3(a)(1)	OPO’s Amended Recommendation GO 200.1.2 and GO 202.1.3(a)(1)
<p>202.1.3 MOVING VEHICLES</p> <p>(a) Officers shall only discharge their firearms at a moving vehicle if, based on the totality of the circumstances, they have exhausted all possible alternatives and:</p> <ol style="list-style-type: none"> 1. an occupant of the vehicle is using deadly force by means other than the vehicle itself 	<p>200.1.2 DEFINITIONS</p> <p><u>Totality of the Circumstances- The facts and information known to the officer at the time of the incident, which serve as the basis for the officer’s decision to use force.</u></p> <p>202.1.3 MOVING VEHICLES</p> <p>(a) Officers shall only discharge their firearms at a moving vehicle if, based on the totality of the circumstances, they have exhausted all possible alternatives and:</p> <ol style="list-style-type: none"> 1. an occupant of the vehicle is using <u>or immediately threatening</u> deadly force by means other than the vehicle itself

*NOTE: New OPO recommendations are shown in **bold, underlined** text. [Click here](#) for more information about OPO’s preliminary recommendation.*

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OPO's recommendations incorporate community feedback and/or the City of Austin's official position by:

- Not categorically prohibiting an officer from shooting at a moving vehicle³⁴
- Restricting the circumstances under which shooting at a moving vehicle would be permissible, including by:
 - Requiring officers to exhaust all alternatives before shooting³⁵
 - Requiring that the driver, or an occupant, of the vehicle be using the use of deadly force, or immediately threatening deadly force, by means other than the vehicle itself³⁶
- Adding more guidelines

OPO's recommendations incorporate guidance from law enforcement research and policy organizations by:

- Not categorically prohibiting an officer from shooting at a moving vehicle³⁷
- Restricting the circumstances under which it would be permissible by:
 - Requiring that the driver, or an occupant, of the vehicle be using deadly force, or immediately threatening deadly force, by means other than the vehicle itself³⁸
- Accounting for situations in which the vehicle itself is being used as a weapon that will more likely than not result in mass casualties (e.g., ramming a car into a crowd of protesters)³⁹
- Creating a duty for officers to move out of the way of a moving vehicle⁴⁰
- Eliminating vague terms⁴¹
- Prohibiting shooting from moving vehicles based on the increased likelihood of risk to innocent bystanders and the lack of training of APD officers⁴²