

# Restrict Shooting at Moving Vehicles



## Introduction

Campaign Zero's 8 Can't Wait initiative recommends that police departments restrict the circumstances under which officers may shoot at moving vehicles.<sup>29</sup> Shooting at a moving vehicle is regarded as a particularly dangerous and ineffective tactic, with a high risk of injuring bystanders.<sup>30</sup> Increasing restrictions on shooting at moving vehicles has been shown to contribute to a reduction in officer-involved shootings.<sup>31</sup>

## Policy review findings

### **Shooting at moving vehicles is not sufficiently restricted**

Current policy permits shooting at a vehicle when the vehicle is being used as a weapon against officers or others.<sup>32</sup> Shooting at a moving vehicle is difficult and can lead to innocent or uninvolved third parties being harmed.<sup>33</sup> In addition, when shooting at a vehicle results in the driver being wounded or killed, the threat presented by the vehicle is not necessarily eliminated.<sup>34</sup> APD's current policy fails to sufficiently restrict this practice in a way that effectively safeguards both officers and the public against its inherent risks.<sup>35</sup>

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Furthermore, current policy creates a significant loophole by permitting shooting at moving vehicles in "extraordinary circumstances," while failing to define that term.<sup>36</sup> Effective policies require defined parameters in order to be enforced.<sup>37</sup>

APD policy should generally prohibit shooting except as a last resort in circumstances when a vehicle occupant is using deadly force other than the vehicle itself. The only other condition under which shooting may be appropriate is when the vehicle itself is being used as a weapon likely to cause a mass casualty incident.

## **APD policy is silent on the issue of shooting from a moving vehicle**

Shooting from a moving vehicle presents some of the same risks (e.g. potential harm to innocent bystanders) and difficulties (e.g. reduction in accuracy) as shooting at a moving vehicle.<sup>38</sup> APD policy should explicitly prohibit this practice due to the inherent risks to officers, involved individuals, and uninvolved bystanders.

## **Current APD policies related to restricting shooting at moving vehicles**

The following APD General Orders chapters are relevant to the restricting of shooting at moving vehicles:

- 202.1.1 Policy – Firearm Discharge Situations; and
- 202.1.3 Moving Vehicles.<sup>39</sup>

To view the full excerpts of these chapters, please turn to Appendix A.



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## Recommended policy changes

### Add the following definition to General Order 200.1.2 Definitions:

*Mass Casualty Incident* – An incident in which the number of casualties exceeds the normally available local resources.

### Change APD General Order 202.1.3 Moving Vehicles to the following:

#### 202.1.3 MOVING VEHICLES

- (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:
  - 1. an occupant of the vehicle is using deadly force by means other than the vehicle itself; or
  - 2. if the vehicle itself is being used as a weapon that will more likely than not cause a Mass Casualty Incident. An example of a situation that would constitute a Mass Casualty Incident would be a vehicle being driven into a crowd of people.
- (b) Except as provided in subsection (a)(2) above, officers shall not discharge a firearm at a moving vehicle in any situation when the totality of the circumstances indicates that it is more likely than not that an innocent passenger or bystander could be injured.
- (c) Officers shall exercise good judgment and shall not place themselves in the path of a moving vehicle.
- (d) Officers shall move out of the path of any approaching vehicle unless it is impossible to do so.
- (e) In situations when this policy applies, officers may leave a position of cover only:
  - 1. to utilize an avenue of escape;
  - 2. to move to a position of better cover; or
  - 3. if the risk associated with not apprehending the suspect or stopping the threat outweighs the danger posed to the officer or any other person by leaving a position of cover.
- (f) Officers shall not discharge their firearms from a moving vehicle.