

Humboldt County District Attorney's Office Use of Force

1. The District Attorney's office policy on the use of firearms and deadly force is:

- A. Discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each investigator discharging a firearm must establish independent reasoning for using deadly force.
- B. Investigators may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others.
- C. Investigators may use deadly force to affect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, investigators should identify themselves and state their intention to shoot before firing at a fleeing felon.
- D. The use of firearms against fleeing or approaching vehicles has proven to be generally ineffective and inherently dangerous. Investigators should not fire at a moving vehicle, whether to disable the vehicle or stop the suspect, unless they have probable cause to believe the suspect represents an immediate threat of death or serious physical injury to the officers or other person(s). Members shall take into account the location, vehicular and pedestrian traffic and any hazard to innocent persons before firing at a moving vehicle. Investigators shall not place themselves or remain in the path of a moving vehicle.
- E. The firing of a warning shot is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired in an effort to stop a person only when the investigator is authorized to use deadly force, and if the investigator reasonable believes a warning shot can be fired safely in light of all the circumstances of the encounter.
- F. Investigators may discharge their firearms on an approved firearms range, and;
- G. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering and other disposition is found impractical.
- H. To give an alarm or to call assistance for an important purpose when no other means can be used, such as in a search and rescue operation.

2. Investigators will draw and exhibit firearms only:

- 1. At the firing range.
- 2. During inspections.
- 3. When using the firearm in accordance with this Order.
- 4. When ordered to do so by a superior.
- 5. When circumstances dictate that precaution should be taken to anticipate authorized use in accordance to Policy.

3. Procedure

In order to insure that the spirit of the above-stated policy is carried out and that incidents involving the misuse of firearms, deliberate or accidental, by investigators are minimized, the following practices and procedures will be adhered to by this office.

A. Qualifications for Use of Firearms by Investigators

Only those investigators who meet the office's requirements for demonstrated proficiency in the use of firearms shall be allowed to carry firearms in the course of their employment.

1. Demonstrated proficiency shall mean achieving a qualifying score at a firearms range designated by the Chief Investigator or Rangemaster, and satisfactory performance at any special firearms training program.
2. Qualifying scores must be fired with the weapon to be used by the investigator. A record will be kept of weapons used by investigators in qualifying (on and off duty).

B. Weapons and Ammunition

The only weapons and ammunition to be carried are those meeting authorized specifications of this office. Weapons must be safety checked and approved by the Chief Investigator or Rangemaster; all factory-installed safety devices must be intact and operational. Any unauthorized modifications to weapons is strictly prohibited.

C. Duty handguns

1. Duty Handgun: The duty issue handgun will be the Glock 19 (9mm) or the Glock 23 (40 S&W).
2. Optional Duty Handgun: Individual optional weapons may be carried by investigators. Expenses incurred for the purchase of the weapon and its accessories will be paid for by the investigator. The following weapons will be considered for approval:
 - a. Semi-automatic pistols: Of approved manufacture chambered for 9 mm, 40 S&W, or 45 A.C.P.
 - b. Revolvers of approved manufacture chambered for caliber 38 or larger with approval from the Chief Investigator.
3. The individual must qualify with the duty handgun on an approved department course before carrying the weapon on duty, and thereafter, at least, quarterly.

D. Off-Duty Handguns

1. Off-duty investigators may carry firearms as either expressed or implied by existing law within the State of California or other jurisdiction.
2. Weapons carried off-duty must adhere to the above standards as to type, and must be approved by the Chief Investigator as to other caliber.

3. Investigators must identify the weapon of their choice which will be carried off-duty and, if other than their duty handgun, must demonstrate their proficiency with such weapons, at least, quarterly.

E. Optional Firearms

All other firearms utilized for duty by investigators, including shotguns, rifles, carbines, and any other specialized weapons shall be approved by the Chief Investigator based on their intended use. The use of these weapons is subject to the same considerations as discussed above, however, the District Attorney's office recognizes the specialized nature of these weapons precludes any broad generalizations regarding their use of specifications. Quarterly qualification is required.

F. Ammunition

All ammunition must be manufactured commercially in the United States and designed for law enforcement or commercial use. Ammunition must be approved by the Chief Investigator and Rangemaster. No handloads are allowed.

G. Holsters

Due to the nature of assignment and apparel, holsters are required. Holsters must be designed to hold the weapon securely.

4. Discharge of a Weapon

Whenever any investigator accidentally or intentionally discharges his/her firearm while performing a peace officer duty, the investigator shall, as soon as practical, notify the Chief Investigator of the discharge and attending circumstances. If the Chief Investigator is unavailable, the investigator shall notify the Senior Investigator or on-call Deputy District Attorney.

A written report shall be prepared and forwarded to the Chief Investigator within 24 hours of the incident. If the investigator who discharge his/her weapon is hospitalized, fatally injured, or otherwise incapable of preparing a report, the Senior Investigator is responsible for filing as complete a report as possible pending further investigation by this office.

This requirement does not apply to weapons discharged during the course of training or while not performing a law enforcement function.

- A. If death or injury results from such a discharge of firearms or any use of lethal force, the following procedure shall be followed:
 1. The Investigator involved shall immediately notify the Chief Investigator or, if the Chief Investigator is not available, the Senior Investigator.
 2. The Chief Investigator or Senior Investigator shall notify the agency in which jurisdiction the incident occurred and request such assistance and support as is necessary.

3. The assigned investigator will assume responsibility of the case and cause notification of the coroner or other allied agencies as deemed necessary. The Critical Incident Response Team will be activated and all involved personnel will assist in the investigation.
4. As soon as circumstances allow, the investigator involved in the incident may be placed on "Special Leave" status and returned to his duty station, if practical, remaining available to the investigating personnel. He/she shall continue on normal salary and report to his/her duty during regular working hours.