I. Purpose:

The purpose of this policy is to provide police officers with guidelines on the use of deadly and less-lethal force.

Preamble to the Firearms/Use of Force Policy:

The following policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force. Such a policy must be viewed as an administrative guide for decision-making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a given incident.

II. Policy:

The Fort Wayne Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only that force which appears reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another. Only that amount of force necessary to overcome the resistance being offered shall be used.

As long as members of the public are victims of violent crimes and officers, in the performance of their duties, are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.

An officer is equipped with a firearm to protect him/her or others against the immediate threat of death or serious bodily injury or to apprehend a fleeing felon who has committed a violent crime and whose escape presents a substantial risk of death or serious bodily injury to others. Regardless of the nature of the crime or the justification for firing at a suspect, officers must remember that their basic responsibility is to protect the public.

Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create substantial and immediate threat of death or serious bodily injury. Officers of this agency shall be issued this policy and have its contents explained prior to being given the authority to carry any department authorized weapon in their law enforcement capacity. This policy may be issued on its own or be included in the Fort Wayne Police Department Rules and Regulations Manual issued and signed for by all sworn agency personnel.

III. Legal References:
A. Indiana Code 35-41-3-3: Use of force relating to arrest or escape.

B. Definitions:

1. "Deadly Force" (IC 35-41 - 1-7) means force that creates a substantial risk of serious bodily injury (IC 35-4 1-1-25).

2. "Deadly Weapon" (IC 35-41-1-8) means the following:
   a. A loaded or unloaded firearm.
   b. A weapon, device, taser (IC 35-47-8-3) or electronic stun weapon (IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
   c. An animal (IC 35-46-3-3) that is:
      (1) Readily capable of causing serious bodily injury; and
      (2) Used in the commission or attempted commission of a crime.
   d. A biological disease, virus, or organism that is capable of causing serious bodily injury.

C. Departmental Definitions:

1. "Firearm" shall mean any handgun, shotgun, or rifle authorized for use by the Fort Wayne Police Department.

2. "Less-Lethal Force" shall mean a weapon or tactic when used in the normal manner is designed and intended to bring a resisting suspect under control without inflicting death or serious bodily injury.

D. Definitions of Resistance:

1. Psychological Intimidation: Non-verbal cues indicating a subject’s attitude, appearance, and physical readiness.

2. Verbal Non-Compliance: Verbal responses indicating unwillingness to comply with a lawful order or threats against an officer or others.

3. Passive Resistance: Actions by the subject(s) that hinder or prevent an officer from gaining control by refusing to follow verbal commands.

4. Defensive Resistance: Physical actions meant to prevent an officer from gaining control but those actions are not an attempt to harm the officer.

5. Active Aggression: Physical actions of assault against the officer or others with less than deadly force.

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6. Deadly Force Assaults: Actions that is likely to result in serious bodily injury or death to an officer or others.

E. Resistance Control Continuum:

1. Officer Presence: A display of authority by the visual presence of the uniform and non-verbal communication such as demeanor, stride, and stance.

2. Verbal Direction: Directions and commands given to the suspect(s).

3. Soft Empty Hand Techniques: Refers to restraining and detaining of the suspect(s) with the intent of gaining control.
   a. Examples of soft empty hands include:
      (1) Holding or grasping of a suspect(s)
      (2) Touch Pressure Points
      (3) Physically moving a suspect using an escort position
      (4) Joint manipulations and/or takedowns

Note: Distraction techniques precede joint manipulations and takedowns. This escalation of force is recognized as a necessity for the safe and proper completion of the procedure.

b. The use of temporary restraining devices such as handcuffs and leg restraints:

c. Personal Protective Chemical Agent is authorized for use at the same level of control as soft empty hand techniques.

4. Hard Empty Hands Techniques: Active Counter Measures or any technique employed by an officer that involves striking the suspect(s).
   a. Examples of hard empty hands include:
      (1) Strikes, Kicks, Knees, and Forearms. (Used for pain compliance, stunning, distraction, balance displacement, and motor dysfunction.)

5. Intermediate Weapons: Weapons that are used to assist an officer in gaining control of a situation involving a resistive, threatening or combative suspect(s).
   a. Examples of intermediate weapons include:
      (1) Impact Weapons Strikes & Blocks
      (2) Conducted Energy Device (CED)

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(3) K-9  

(4) Less Lethal Impact Munitions  

6. Deadly Force: Force that creates a substantial risk of serious bodily injury or death.

IV. Procedures:

A. Evaluate the factors of each situation to determine the level of force to be used.

1. Level of Resistance Encountered. See definitions above.

2. Age of the Officer and Subject. A younger officer may be expected to use a lower level of force to control the resistance of a person that is elderly and/or weaker.

3. Size of the Officer and Subject. This refers to the relative height and weight of an officer and subject. A relatively small officer who must control a very large person may need to use a higher level of force.

4. Fighting Skill Level of the Officer and Subject. The officer facing a subject whose fighting skills are equal to or higher than that of the officer may use a higher level of force.

5. Subject is Under the Influence of Drugs/Alcohol. The level of force might be higher or lower depending on the effect of the drugs/alcohol on the subject.

6. Injury/Exhaustion. If an officer is injured or becomes exhausted in a confrontation and the officer is still attempting to control the subject, a higher level of force may be used.

7. Availability of Assistance. In a situation where an officer is alone with a resistor, that officer might use a different level of force than the level used if there were other officers on the scene to assist.

8. Proximity of Available Weapons. An officer responding to a call with a resistor in the subject’s home or workplace would be unfamiliar with the location of any weapons.

9. Environmental Factors. An officer’s response to a given situation may be dictated by conditions that are beyond the officer’s control. These conditions might include: indoor or outdoor conditions, time of day, lighting conditions, weather conditions, bystanders, etc.

B. Some incidents have special circumstances that would cause the officer to escalate very rapidly through the continuum:

1. Imminent Danger. An officer responding to a call and having reason to believe that the subject(s) may be armed must be prepared to immediately escalate to the appropriate level of force.

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2. Suspect Exhibiting Threatening Behavior. While the officer is making an investigative contact, or detaining a suspect(s) whom the officer reasonably believes is committing, has committed, or is about to commit a crime, or is suicidal, about to inflict injury to self, ignoring the officer's verbal commands/orders, combined with behavior that is aggressive and purposeful which threatens the officer or another person and/or places anyone in danger of being assaulted.

3. Special Knowledge. An officer could have special knowledge that the subject(s) is known to aggressively resist law enforcement efforts to gain control, has prior firearms possession and/or weapons arrests, the subject(s) is known to be within reach of weapons such as clubs, knives, shields, chemicals, firearms, or explosives which can be easily obtained and used to surprise or assault the officer or another person, or suffers from a mental illness, has diminished mental capacity, possesses a special skill, or is under the influence of alcohol or drugs, or any other factors that could make the person a greater threat.

4. Proximity of the Officer's Firearm. Officers must use appropriate force to protect his or her weapon and other police equipment that may be used as a weapon.

5. Multiple Subjects. When an officer faces multiple subjects, a greater amount of force will be needed to protect the officer and to control the subjects.

V. Less-Lethal Use of Force:

A. The purpose of using less-lethal force or munitions is to rapidly gain control of a suspect(s) when making lawful arrests, overcoming resistance to such arrests, prevent escapes from custody, in self-defense or in the defense of another person against unlawful force, prevent suicide or self-inflicted injury, prevent or interrupt an intrusion or interference with the lawful possession of premises or property, make an investigative detention of a person or suspect(s) whom the officer reasonably believes is committing, has committed, or is about to commit a crime, prevent assaults on officers and citizens, subdue potentially violent or combative subject(s), and effect a lawful arrest when other means of lesser or equal force have been or will likely be ineffective and the threat still exists to the officer(s), suspect(s), and others, without resorting to deadly force.

1. Less-lethal munitions, except CS/OC, will not be aimed at the head, neck, or genital areas unless deadly force is justified.

2. Whenever an officer of this department employs less-lethal force, as defined within this policy, medical aid, if needed, shall be provided prior to incarceration.

3. Officers may request that Emergency Medical Service personnel be sent to the scene or, if the injury is minor, the officer(s) may transport the victim to a medical facility for treatment. If feasible, photographs should be taken of injuries found on the suspect(s) prior to treatment and placed into evidence.

4. The use of CS/OC chemical agent requires that, at a minimum, the officer(s) allow the victim access to fresh air and, if requested, fresh water.

5. Procedures outlined within the Rules and Regulations Manual shall be followed in
the event the victim requires hospitalization or treatment.

6. Documentation procedures outlined later in this policy shall be followed.

B. Department Owned Chemical Agents

1. The use of department owned chemical agents shall be authorized only by the Mayor, the Director of Public Safety, the Chief of Police, the Assistant Chief of Police, or a Deputy Chief of Police.

2. If rapidly developing situations disallow contacting any of the above listed persons, and immediate action is required, the shift commander’s discretion shall prevail. The E.S.T. Commander shall also have the authority to authorize department owned chemical agents during a “call-out” tactical situation if rapidly changing events do not allow making contact with those listed above.

3. The use of department owned chemical agents shall be restricted to the following situations:
   a. A large crowd, when there is imminent threat to lives or property, or where damage or injury has already taken place.
   b. To extricate a dangerous felon or other dangerous individual(s) from any barricaded building or position.

4. In no instance (except 3b above) will chemical agents be used on small groups or individuals. Whenever department owned chemical agents are used, a complete report shall be submitted to the Chief of Police. Included in this report will be the amount of chemical agent used, the location of its use, and the circumstances under which it was used.

5. The above does not limit the individual police officer from utilizing personal protection chemical devices when necessary for personal protection.

C. “CS/OC” Chemical Agent (Personal Protection Chemical Device)

1. “CS/OC or OC” gas must not be used indiscriminately, but with discretion and good judgment.

2. “CS/OC or OC” gas may be used as follows:
   a. Defense of self or others against an unarmed attack.
   b. To subdue a person who is resisting or interfering with an arrest.
   c. To quell a disturbance or confrontation not directed at the police officer as a substitute for the baton.

3. Authorized CS/OC or OC Spray for Personal Carry:
   a. Aerko International Freeze + P 2K3 CS/OC. This must have the “2K3”
designation on the canister to be authorized.

b. First Defense OC or First Defense 3600 manufactured by Defense Technology. First Defense "X2" is not authorized.

D. Impact Weapons

1. Procedures:

   a. Impact weapons may be used in the defense of one’s self or others against an unarmed attack; to subdue a person who is resisting or interfering with an arrest; or, to quell a disturbance or confrontation not directed at the police officer when conditions limit the use of a personal protection chemical device.

   b. Officers will not intentionally strike or jab suspect(s) with an impact weapon on the head, neck, spine, or groin, unless the use of deadly force is justified.

2. Batons:

   a. The ASP brand expandable baton is authorized for carry; other brands of batons must be inspected and approved by a FWPD Training Center defensive tactics instructor.

      (1) The officer must have completed authorized baton training from the FWPD Training Center.

   b. Flashlights: They are not designed as impact weapons; however, a flashlight may be used as an impact weapon in accordance with this policy.

   c. The PR-24: (all models) is no longer authorized for carry or use. No other type of billy, blackjack, slapper, etc. will be permitted.

3. 12 Gauge Kinetic Energy Munitions:(Bean Bag Rounds)

   a. Officers who have completed the required three (3) hour course of instruction will be issued 12 Gauge Kinetic Energy Munitions (Bean Bag Rounds).

      (1) The issue round will be the Defense Technology #23 drag stabilized 12 gauge round. The following rules shall apply:

      (2) Shotguns will be loaded with 00 buckshot for duty, and bean bag rounds will be carried in a shell container located on the stock of the weapon;

      (3) If kinetic energy munitions are to be used, all buckshot will be removed, and only bean bag rounds will be loaded into the weapon. If practical all officers on the scene will be informed that

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bean bags are about to be deployed to avoid contagious fire.

(4) Kinetic energy munitions will be placed on the use of force continuum in the same category as impact weapons;

(5) Kinetic energy munitions will target those areas of the body that are suitable striking points for traditional impact weapons;

(6) Bean bag rounds will be chosen over traditional impact weapons ONLY when one (1) of the following apply:

(a) A safe distance must be maintained from the suspect; and/or it is not possible to reach the suspect with traditional impact weapons.

(7) Any suspect struck with kinetic energy munitions will be transported to the hospital for treatment;

b. After any bean bag usage a Use of Force report will be completed;

c. The Department’s Shooting Team will be called out ONLY if a suspect suffers serious bodily injury or death as a result of kinetic energy munitions usage.

d. These devices are not a replacement for specialty teams, and supervisors should not attempt to resolve EST/CRT situations themselves unless no time for a call-out response exists.

VI. Deadly Force:

A. Parameters for the Use of Deadly Force:

1. An officer is justified in using deadly force only if he or she reasonably believes that the force is necessary:

a. To prevent serious bodily injury to him/herself or a third person; or

b. To effect an arrest of a person committing a forcible felony.

(1) Forcible Felony (IC 35-41-1-11): a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.

(2) Serious Bodily Injury (IC 35-4-1-25): a bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

(3) Reasonable Belief: when facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent law
enforcement officer to act or think in a like manner under similar circumstances.

2. Before using a firearm, police officers shall identify themselves and state their intent to shoot, when tactically feasible.

3. A police officer may also discharge a weapon under the following circumstances:
   a. During range practice or competitive sporting events;
   b. To destroy an animal that represents a threat to the public safety, or as a humanitarian measure where the animal is seriously injured.

   (1) Prior to using his/her firearm, the officer shall make every attempt to get an Animal Control officer to the scene.

   (a) Should the need arise to destroy an animal because an Animal Control officer is not available, a supervisor shall be immediately contacted if circumstances permit.

   (b) When destroying an injured animal, officers shall take necessary precautions to insure that the animal is destroyed as safely and humanely as possible.

   (c) Before leaving the scene, officers shall have the animal removed by an Animal Control officer.

4. Unless a fleeing felon gives a law enforcement officer reasonable belief to suspect the possibility of serious physical injury to the officer or any other nearby individual, the use of deadly force shall be restrained and the fleeing felon should not be presumed to pose an immediate threat to life.

5. Police officers shall adhere to the following restrictions when their firearm is exhibited:

   a. Except for maintenance or during training, police officers shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.

   b. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation.

   c. When an officer has determined that the use of deadly force is not necessary, the officer, shall, as soon as practicable, secure or holster the firearm.

   d. Warning shots are prohibited.

   e. Police officers shall not fire their weapons at or from a moving vehicle.

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f. Police officers shall not fire into buildings or through doors, windows, or openings when the suspect is not clearly visible.

g. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

6. Handling of Firearms by Officers

a. The hammer of a revolver shall not be drawn back to the single-action firing position except when cleaning or disassembling the weapon.

b. No firearm shall be held in direct contact with an individual (i.e., to be used as a threat) except as a last resort when the use of deadly force is justified and it is the only manner in which the firearm can be discharged without increasing the danger of serious bodily injury to the officer or another person.

c. An officer drawing his/her weapon to control a suspect shall maintain a safe distance between the suspect and the weapon.

d. When a handgun is drawn, the trigger finger shall be kept outside the trigger guard and parallel to the frame until the weapon clears the holster, the sights are on the target and the use of deadly force is justified.

e. Nothing in this Policy shall preclude an officer from unholstering his/her weapon in a dangerous or life-threatening situation.

B. Medical Aid/Deadly Force

1. Whenever an officer of this department employs deadly force, regardless of the severity of the injury, Emergency Medical Service personnel shall be immediately called to the scene.

2. Emergency Medical Personnel shall be responsible for determining the seriousness of the suspect's injury and whether transportation to a local medical facility is required.

3. Officers of this department retain the option of requesting that the injured suspect be transported to a local medical facility if they feel it is in the best interest of the suspect and the department.

4. Procedures outlined within the Rules and Regulations Manual shall be followed in the event the victim requires hospitalization or treatment.

5. Documentation procedures outlined later in this policy shall be followed.

C. Juvenile Procedures:

1. No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat shall be the only policy guidelines for
employing deadly force.

VII. Authorized Firearms:

A. All on-duty officers shall be armed with a department-approved firearm.

1. A department approved handgun (on-duty, off-duty) intended for official use by any police officer must meet the following requirements:

2. Weapons must be of basic manufacture, barrel length not to exceed six (6) inches.
   a. Minor modifications are permitted as long as they do not impair the weapon’s reliability. Department issued weapons may not be modified unless the modifications are approved by the FWPD Training Center firearms staff, and the weapon can be readily returned to its original issue condition.
   b. The finish of the weapon must not be of contrasting colors as to be offensive or impractical for police use.

3. Any firearm carried on-duty or off-duty must be registered at the Police Training Center.
   a. The firearm must be inspected and certified safe by the department armorer.
   b. The officer must meet departmental “certification” and “qualification” requirements with each approved weapon.
   c. It is optional for officers to carry a firearm in an off-duty status.
   d. Ammunition will be the department authorized ammunition.
   e. Approved Ammunition:
      (1) .38 Special: 125 grain hollowpoint + P Speer GoldDot
      (2) 9mm: 124 grain hollowpoint + P Speer GoldDot
      (3) .380: 85, 90, or 95 grain hollowpoint
      (4) 12 Gauge: 00 Hornady low recoil shot shell (blue hull)
   f. NO RELOADED AMMUNITION IS ALLOWED.

4. Uniform officers shall carry three (3) magazines of 9mm ammunition while in an on-duty status.

5. Non-uniformed (plainclothes) officers shall carry two (2) magazines of 9mm ammunition while in an on-duty status.
B. It is recommended that if an officer intends to consume, or is actually indulging in the consumption of intoxicants, he or she should not carry a firearm.

1. As a condition of their employment, officers agree to abide by the Fort Wayne Police Department’s Policies, Procedures, Rules and Regulations, whether on or off duty. Being in possession of a valid handgun permit from the State of Indiana does not preclude officers from abiding by departmental provisions in effect.

C. Authorized Weapons

1. Primary Duty Handgun
   a. Glock, models 17, 19, 26, and 34

2. Off-Duty/Backup Weapons: Carried as an off-duty weapon or as a secondary weapon to back up an officer’s primary weapon. Off-Duty/Backup weapons must be concealed from public view
   a. .38 Special Caliber Revolver
      (1) Make and model must be approved by the Training Center Firearms Staff
      (2) Those officers who have been trained and certified to carry ONLY a 9mm, a .38 Special revolver may be carried as a back-up weapon once they have been trained, certified, and approval for the weapon is obtained from a FWPD Training Center Firearms Staff.
   b. 9mm Semi-Auto pistol
      (1) Make and model must be approved by the Training Center Firearms Staff
      (2) The weapon must be double action. A single action weapon is not authorized.
   c. Any primary duty handgun
   d. .380 Semi-Auto pistol
      (1) The use of a .380 caliber semi-auto pistol will be authorized for backup, or off-duty carry only. Due to the limited size of the projectile, this weapon would be inappropriate as a primary carry weapon.
      (2) Officers wishing to carry a .380 caliber semi-auto pistol must be certified for each weapon model by the FWPD Training Center Firearms Staff.
      (3) The weapon must be inspected an approved by the FWPD Training Center Firearms Staff.

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The weapon must be double action. A single action weapon is not acceptable.

All other policies affecting backup weapons will apply.

The individual officer will provide all ammunition necessary for training and duty purposes.

3. Shotgun

   a. Remington 870 12 gauge shotgun, department owned or personally owned.

   b. Only the following modifications will be allowed: Fore end light, a one (1) piece factory manufactured pistol grip/stock (No folding stocks), side saddle ammunition carrier, sling and a magazine extension that does not extend beyond the muzzle of the weapon.

      (1) The weapon must fit and be carried in the mount in the squad car, or secured in the trunk.

      (2) Barrel length is limited to 18 or 20 inches only.

      (3) Personally owned shotguns must be registered with the Training Center.

   c. Only the Chief of Police may authorize any exceptions to the aforementioned requirements.

4. Department owned tear gas device

5. AR-15/M-16 Patrol Rifle

   a. Officers of the Fort Wayne Police Department who have completed the mandatory training as given by the Fort Wayne Police Training Center, or other approved outside course of instruction, are authorized to carry patrol rifles.

   b. The AR-15 and M-16 design rifles, chambered in .223 caliber, with flat top or carry handle configuration (A-1 or later design) are the only rifles authorized to be carried under this policy.

   c. Acceptable patrol rifle accessories include:

      (1) Slings;

      (2) Light source devices;

      (3) Laser, holographic, magnifying or red dot type sights;
(4) Any other modification deemed acceptable by a Training Center firearms staff;

(5) Note: Any optics mounted on the weapon must be capable of maintaining a zero in between qualifications or it must be removed from the rifle.

(6) Ammunition for the patrol rifle must be a 55 grain hollow point.

d. Patrol Rifle Security

(1) Patrol rifles will be carried locked in the squad car’s trunk, or in a locked rack located inside the squad car.

(2) Patrol rifles will be removed from the squad car when off-duty and when the vehicle is unoccupied, unless it is secured in locked rack or in a trunk with the additional security lock.

(3) Additional trunk security locks and gun cases are recommended.

(4) While a patrol rifle is carried in the squad car when an officer is on-duty, the weapon must have a full magazine in the magazine well, the safety engaged and the weapon’s chamber empty.

(5) If a round of ammunition is chambered into the patrol rifle, it must be returned to chamber empty status prior to returning it to the vehicle.

e. Patrol rifles would be the appropriate weapon instead of the shotgun in the following circumstances:

(1) Situations in which the suspect(s) is known or believed to possess a rifle.

(2) Situations in which the suspect is known or believed to be wearing body armor.

(3) Situations in which accurate fire must be delivered at a distance beyond the effective range of a shotgun.

(4) Situations in which a precision shot of any type is required.

f. All officers who carry a patrol rifle must qualify with the weapon annually at the Fort Wayne Police Training Center.

g. Each officer is required to purchase the patrol rifle and all ammunition necessary for duty use.

h. The patrol rifle is not a replacement for specialty teams, and officers should not attempt to resolve EST/CRT situations themselves unless no time for a call-out response exists.
VIII. Firearms Training:

A. Mandatory Qualification (Handgun)

1. Quarterly In-Service Shoots will be conducted. Officers must qualify at each quarterly shoot. The minimum qualifying score is 80% for all courses, or as specified by the Department’s Chief Firearms Instructor.

2. Failure to obtain 80% as indicated above will result in the following:

a. Officers who do not qualify the first attempt shall remain at the range and make a second attempt as soon as the Range Officer can fit them into the schedule. If an officer fails to qualify on the second attempt, the officer shall make arrangements with the Range Officer to return for a third attempt on the last day of the current quarterly shoot.

b. If, after firing the schedule described above, the officer fails to qualify, the Range Officer shall immediately notify the on-duty Shift Commander, who shall immediately place the officer on restricted duty.

c. The officer shall remain on restricted duty until arrangements can be made with a Range Officer for remedial firearms training and re-qualification on the officer’s own time. Restricted duty for the purpose of this section shall mean that the officer shall be restricted to light duty position within the department, must park their department issued vehicle, and are no longer authorized by the FWPD to carry a firearm.

d. The Range Officer shall make a detailed report of the officer’s failure to qualify and submit it directly to the Division Commander with a copy to the Chief of Police.

3. Only the Chief of Police may exempt an officer from qualifying with his/her firearm. Complete written documentation, including medical statements, if applicable, must be submitted regarding the reasons for requesting the exemption. Only upon receipt of written authorization from the Chief of Police will Range Officers accept the exemption of any officer from qualifying with his/her firearm.

4. Any officer who fails to qualify after three (3) attempts shall be charged with a Class E Violation of the Rules and Regulations under FIREARMS QUALIFICATION.

B. Course Design

1. In-Service Shooting is designed and constructed towards the individual officer’s working conditions. Whenever possible, an officer who works nights will shoot during actual night time conditions, and officers who work days will shoot in daylight conditions. At least annually, all officers will fire a NO LIGHT/LOW LIGHT course of fire.

2. Officers also face judgmental shooting courses. Officers must select friend/foe
targets and are forced to make split-second judgments calls while participating in quarterly in-service shoots.

3. Fort Wayne Police Officers must also demonstrate safety procedures concerning the handling and use of firearms, as well as knowledge of the laws concerning the use of firearms.

C. Firearms Qualification Ratings (Handguns)

1. Officers of the Fort Wayne Police Department may wear, as a part of their uniform, badges that rate their firearms proficiency based on a average of three (3) scores on three (3) courses of fire. The Training Center staff will compute averages.

2. The Firearms Qualification Rating will be determined by the below listed scale, as established by the Indiana Law Enforcement Training Board:
   a. Expert — 95% to 100%
   b. Sharpshooter — 90% to 94%
   c. Marksman — 85% to 89%
   d. Qualify — 80% to 84%

3. The only shooting badge to be worn on the uniform shall be the NRA Police badge.

D. Mandatory Qualification (Shotgun)

1. Annual In-Service Shoots will be conducted. Officers must qualify with a minimum score of 80%.

2. Officers who do not qualify will be ordered back to the range for requalification.

3. The same procedure outlined for Mandatory Qualification (Handgun) shall be followed for the shotgun.

E. Reality Based Training — Use of Modified Weapons

1. All firearms training for the Fort Wayne Police Department shall be conducted or coordinated by the Fort Wayne Police Training Center.
   a. Reality based training is recognized as an important part in the development and improvement of recruit and veteran officers of this department.
   b. This type of training must strive to incorporate as much realism as possible into the training environment. It is incumbent upon this department that the safety of all officers involved be paramount in the undertaking of this training effort.
c. Commercially available plastic “prop” weapons, such as red guns, may be utilized.

d. Training Center approved “force on force” weapons may also be used if the weapon will not fire or chamber a live round.

e. Personally owned weapons shall, under no circumstances, be employed in reality based training.

F. Firearms Inspection Procedure

1. Firearms of the Fort Wayne Police Department shall be rated into three (3) classes:

   a. CLASS A: New to excellent exteriors in good mechanical working condition with small abrasions or small rust spots.

   b. CLASS B: Good to fair exteriors in good mechanical condition with abrasions and rust spots to exteriors.

   c. CLASS C: Poor exteriors or broken mechanically. These are not to be re-issued for line work, but they are suitable for training purposes.

2. Fort Wayne Police Department owned shotguns will be inspected annually by Training Center personnel. Those needing maintenance or repair will be sent to the Training Center for appropriate service.

3. All firearms issued to officers by the City and firearms carried on-duty by officers must be inspected at least once a year by the Range Officers.

4. Abuse or lack of basic care leading to excessive damage to weapons, over and above everyday use; will be grounds for a report to be filed with the Chief of Police. (See Rules and Regulations, Neglect of Duty, Abuse of City Property).

IX. Reports: Firearms Discharge and Use of Force:

A. Firearms Discharge and Assault Report

1. Any officer either on or off duty, that discharges a firearms either accidentally or intentionally, other than at a firearms range or sporting activity shall make a Firearms Discharge Report.

2. This report shall include circumstances surrounding the incident, including names and addresses of witnesses, both civilian and police.

3. This report will be submitted as soon as possible to the officer’s supervisor. The supervisor shall then forward the Firearms Discharge Report to Internal Affairs with a copy to be sent to the Firearms Section at the Training Center.

4. Unintentional Discharge of Firearm
a. The Internal Affairs Unit, in the course of their investigation into the unintentional discharge of firearms, may file allegations of misconduct for neglect of duty, negligence with a firearm.

B. Fort Wayne Police Department Use of Force Template

1. Every time force is used to subdue or control a subject through the use of a baton, physical force, pointing a weapon, or employment of a Chemical Agent, this Template is to be completed in full.

2. The Internal Affairs Unit shall be responsible for the annual review of all Use of Force related reports and shall include this review in their annual report.

a.NOTE: Failure to complete either of the above listed reports is a violation of the Fort Wayne Police Department Rules and Regulations: Neglect of Duty; Submission of Reports.

X. Investigation of Police Shooting Incident:

A. The Detective Bureau will conduct their investigation according to Standard Operating Procedures.

B. In all shooting incidents where death, injury, or major property damage occur, the Shooting Team shall immediately conduct an administrative investigation at the scene. Upon completion of the investigation, all information shall be forwarded to the Chief of Police.

1. The officer(s) involved in the shooting incident shall be ordered to holster and secure the weapon(s) until such time that the officer(s) can surrender the weapon(s) to the shooting team away from the scene and out of the view of the public. A department weapon will be immediately issued to the officer(s) on a temporary basis until their permanent weapon is returned to them.

2. In all other incidents involving a Fort Wayne Police Officer where the use of physical force, less-lethal weapons, or any other action resulting in the injury or death of another person (including traffic accidents), a written record surrounding the circumstances is to be filled out and submitted to the Internal Affairs Office.

C. Any officer whose use of force or involvement in an accident results in the death of another person shall be removed from the line of duty for a minimum of three (3) days with pay. This administrative leave is not intended as a punishment, but rather is concerned with the involved officer’s best interests.

D. The Department will provide Mental Health Assistance to any officer involved in a shooting incident.

XI. Patrol Knives:

A. The primary expectation of the Fort Wayne Police Department is that a patrol knife (fixed blade and/or folding blade) carried by an officer on duty is, first and foremost, a utility
instrument necessary for officers to accomplish their mission in public safety. A patrol knife may be used as a defensive tool in circumstances of self-defense or in defense of a third party when no other means are available or the patrol knife is the most appropriate means. However, such usage of the patrol knife must meet the legal guidelines set forth in the “Use of Force Continuum”, as outlined previously in this policy.

B. Types of Authorized Patrol Knives

1. Fixed Blades
   a. Patrol knives with fixed blades shall be carried in a scabbard or sheath.
   b. Officers carrying a fixed blade patrol knife shall carry it in such a manner as to ensure safety, retention, and concealment from public view.
   c. Patrol knives with fixed blades shall not be displayed in an offensive or alarming manner, unless being employed in self-defense or the defense of a third party.

2. Folding Blades
   a. Patrol knives with folding blades shall be secured to the officer’s uniform (interior pocket) by a clip or other fastening device to ensure safety, retention, and concealment from public view.
   b. Patrol knives with folding blades shall not be displayed in an offensive or alarming manner, unless being employed in self-defense or the defense of a third party.
   c. Patrol knives with folding blades shall conform to the restrictions set forth in I.C. 35-47-5-2 (knife with blade that opens automatically is prohibited.) (NOTE: There is no law enforcement exemption to I.C. 35-47-5-2.)

   a. Each officer is responsible for the purchase and maintenance of his/her own patrol knife.
   b. The department recommends that officers select a knife of quality design, strength, durability, safety, and functionality so that it is able to withstand the rigors and job responsibilities of police work.
   c. Any incident involving a patrol knife that results in an injury to any officer or citizen, whether accidental or intentional, shall be documented and all relevant departmental policies and procedures shall be followed (i.e. use of force, HOD, etc.).
   d. Officers using their patrol knives as a tool during the course of an investigation shall reference such use in their report of the incident (i.e. “cut seat belt” or “cut pant legs”).

6/15/2015
Approved:

Date: 12/18/06

Russell P. York
Chief of Police

Supersedes:

5. FWPD SOP PD97-2401, Dated 3/8/99, (Page 14, D 1-4)
6. FWPD SOP PD97-2401, Dated 9/4/98, (Page 8, d. #1, paragraph 2 added)
7. FWPD SOP PD97-2401, Dated 4/6/98, (Bold, Italics, Date — added)
8. FWPD SOP PD97-2401, Section V, A, 4, c., Revised 4/3/98
9. FWPD SOP Chapter 1, Section 3, Revised February 1991
10. FWPD SOP “Law Enforcement Role and Authority”, Section 3, July 1987