
LEGAL  BULLETIN

September 18, 2014

TO: ALL SWORN PERSONNEL

FROM: KIRBY C. RAINSBERGER *KCR*
Police Legal Advisor

SUBJECT: **SHOOTING AT MOTOR VEHICLES**
Legal Bulletin #2014-16

This legal bulletin is to advise officers of a modification of SOP 537 that will essentially **prohibit officers from shooting at motor vehicles**. In practice, it is intended to directly modify the way officers **approach** occupied vehicles to maximize officer safety and make the need to resort to deadly force less compelling.

Presently, SOP 537 V.B.3. provides “Shooting at or from a moving vehicle shall be avoided in all instances except those which do not endanger innocent persons and are justified by unusual or exigent circumstances.” Recent incidents involving our own agency and others require us to revise the SOP in an attempt to delineate as much as possible the circumstances under which shooting at a motor vehicle is appropriate.

First, officers should understand that shooting to disable the vehicle is virtually never effective and is prohibited absent the most compelling exigent circumstances. The firearms authorized for use by Tampa officers are simply incapable of quickly stopping a motor vehicle and the risk of misplaced shots or ricochet is great, particularly when shooting at tires. Accordingly, shooting to disable the vehicle is generally prohibited.

Shooting at the **driver** of a motor vehicle is similarly problematic. As with all use of deadly force, shooting at the driver of a motor vehicle is only permissible when the driver poses an imminent threat of death or serious injury to another person. Typically, a driver simply attempting to elude capture does not meet that requirement. Secondly, shooting the driver will not immediately stop a moving vehicle. Absent substantial brain or spinal cord injury, a mortally wounded driver would still be capable of driving for a **minimum** of 8 to 10 seconds. The real concern is when officers on foot fail to allow for the inherent danger of a resisting subject in a motor vehicle and the officer unnecessarily exposes himself to the danger of the moving vehicle. Frequently in these situations, the officer on foot resorts to



KIRBY C. RAINSBERGER ● LAURIE B. WOODHAM
POLICE LEGAL ADVISORS 276-3769



shooting at the moving vehicle, not because shooting is a good and effective option, but out of sheer desperation. Frequently unnecessary desperation.

We are therefore modifying SOP 537 with the primary goal of protecting officers from unnecessary exposure to injury and unnecessary exposure to shooting situations. SOP 537 V.B.3. will be amended to read “Shooting at or from a moving vehicle **is prohibited** in all instances except those which do not endanger innocent persons **and** are **compelled** by highly unusual or exigent circumstances such as where the subject is himself firing a gun from the vehicle or where the subject is using the vehicle in an offensive manner to strike persons or other vehicles and not simply using the vehicle to evade capture.”

Officers on foot are prohibited from approaching suspect vehicles from the front or from the rear in the area within which the vehicle could travel in the suspect’s attempt to avoid arrest. Rather, officers should approach suspect vehicles from the left and/or right **side** so that the officers are not within the vehicle’s potential path of escape. There should rarely or never be circumstances where a suspect commits a battery on a law enforcement officer who is approaching a vehicle on foot, at least not by use of the vehicle as a weapon. Obviously, officers must continue to avoid crossfire situations.

Nothing in this policy modification is meant to prohibit officers from putting police vehicles in front of, or behind, the suspect vehicle in an effort to prevent escape or pursuit. The intentional ramming of an occupied police vehicle is still battery on a law enforcement officer even where it does not rise to a deadly force situation.

Please contact my office with questions.

KCR/jak