



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 51	Subject: Discharge of Firearms by Police Personnel	Effective Date: 07/15/1999
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to provide all University of Pennsylvania Police Department (UPPD) police officers with guidelines related to the discharge of firearms.

II. Policy

It is the policy of the UPPD that its police officers will exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force. It is also the policy of this department that officers will not unnecessarily or unreasonably endanger themselves in applying these guidelines to actual situations.

III. Scope

This directive shall affect all sworn police officers.

IV. Definitions

Forcible Felony: A felony involving actual or threatened serious bodily injury. The following crimes are forcible felonies: (1) Murder (2) Rape (3) Robbery (4) Aggravated Assault (5) Kidnapping and (6) Arson.

V. Procedures

A. Discharge of Firearms

Officers will use care when handling all firearms and will only discharge a firearm in accordance with **Directive 1, "Use of Force"**.

B. Reporting Discharges of Firearms

The discharge of any firearm, whether accidental or intentional by sworn personnel on or off-duty shall require a written report be prepared. (except test or target fire at a bona fide pistol range or lawfully hunting game) The reporting system shall be as follows:

1. If the discharge occurs while on-duty, the officer(s) who fired the weapon will, if physically able:
 - a. immediately notify the PennComm Center of the occurrence and provide same with pertinent information regarding the need for supervisory personnel and also emergency equipment if required;
 - b. turn over the magazine(s) used in the incident to the first or nearest available supervisor, and the officer shall reload the weapon with a fresh magazine.
 - c. inform the first supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence;
 - d. complete a UPPD Incident Report (UPPD-10); and
 - e. make no additional statements to anyone except the assigned Detective Supervisor or the Deputy Chief of Investigations.
2. If the discharge occurs while off-duty, and outside of the department's patrol area, the officer who fired the weapon will, if physically able:
 - a. immediately notify the local law enforcement agency of the occurrence and provide same with pertinent information regarding the need for emergency equipment if required;
 - b. turn over the weapon used in the incident to the local law enforcement agency's first or nearest available supervisor;
 - c. inform the first officer on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence;
 - d. call the PennComm Center Police Supervisor as soon as reasonably possible and notify him/her of the occurrence and provide same with pertinent information regarding the need for supervisory personnel;
 - e. complete a UPPD Incident Report (UPPD-10) upon reporting for duty; and
 - f. make no additional statements to anyone except the Deputy Chief of Investigations, the Deputy Chief of Patrol Operations, or the assigned UPPD Detective Supervisor.
3. Each UPPD officer at the scene of a discharge of a firearm by any police officer will:

- a. notify the PennComm Center of the discharge, unless the officer knows the PennComm Center has already received such notification;
 - b. inform the first supervisor on the scene of the circumstances of the notification to the PennComm Center and provide all relevant information concerning the incident; and
 - c. complete a UPPD Supplemental Incident Report (UPPD-10A) as warranted.
4. The PennComm Center Police Supervisor will:
- a. ensure that the Shift Commander/Supervisor is dispatched to the scene; and
 - b. immediately make the following notifications:
 - 1) the Philadelphia Police Department (PPD), or jurisdiction of occurrence;
 - 2) the Deputy Chief of Investigations;
 - 3) the Captain of Patrol;
 - 4) the Chief of Police, and
 - 5) the Deputy Chief of Patrol Operations.
5. The first supervisor on scene will be responsible for:
- a. ensuring that the PennComm Center has been notified of the incident;
 - b. determining which officer(s) fired a weapon(s) by personally examining each officer's firearm that was present during the discharge;
 - 1) Any officer having left the scene prior to the supervisor's arrival will be recalled in order to have his/her weapon inspected.
 - c. ensuring the involved officer(s) retain custody of their firearms, absent any exigent circumstances, will take possession of the magazine(s) used in the incident and will have the involved officer(s) administratively reload with a new magazine(s);
 - d. ensuring that information concerning the location(s) of the crime scene(s), and the general circumstances relative to the preservation and collection of physical evidence is provided by the involved officer(s);
 - e. ensuring the information relative to the crime scene is provided to the Deputy Chief of Investigations, the Deputy Chief of Patrol Operations, the assigned Detective Supervisor, and a supervisor who will remain at the scene;

- f. ensuring that the provisions of **Directive 9, "Responsibilities at Crime Scenes"** are adhered to; and
- g. escorting the officer(s), if not incapacitated, to a quiet secure area and ensuring that the provisions of Directive 30, "**Critical Incident Management Procedures**" are adhered to.

C. Investigation of Discharges Of Firearms

1. The Deputy Chief of Investigations, or his/her designee, will investigate all incidents involving the discharge of firearms by police officers.
2. The Deputy Chief of Investigations, or his/her designee, in conjunction with the PPD Homicide Unit, will investigate all cases involving the discharge of firearms by police officers resulting in or likely to result in death when said discharge occurred within Philadelphia City limits.
 - a. The Deputy Chief of Investigations, or his/her designee, will coordinate their investigative efforts with any outside Law Enforcement agencies (i.e., PPD, State Police, FBI, etc.) that have jurisdictional authority.
3. The Deputy Chief of Investigations, or his/her designee, will conduct the UPPD investigation and will be responsible for the preparation of all related written reports.
4. Upon completion of the investigation, the Deputy Chief of Investigations, or his/her designee, will forward their final written report to the Chairperson of the Firearms Review Board. (See section V., E., of this directive).

D. Custody and Disposition of Firearms Discharged by Police Officers

1. The escort supervisor (first supervisor on scene) will prepare a PPD Property Receipt (75-3) containing the following: the firearm's make, model, caliber, and serial number. A second PPD Property Receipt (75-3) will be prepared for the fired cartridge(s) and unfired ammunition.
2. In accidental discharges of firearms not resulting in injury, and in any discharge (accidental or intentional) resulting in the shooting of an animal, the discharged firearm will be returned to the police officer in accordance with the following guidelines:
 - a. When the firearm is to be returned, the assigned Detective Supervisor will designate, in the description section of the PPD Property Receipt containing the firearm information, "Firearm Is to Be Test Fired and Returned." The assigned Detective Supervisor's signature and date will follow.
 - b. The Supervisor preparing the Property Receipts will transport the firearm, fired cartridge(s), and unfired ammunition and both property receipts directly to the PPD Firearms Identification Unit (FIU).

- c. When the PPD Firearms Identification Unit (FIU) is open (Monday through Friday, 6:00 A.M. to 12:00 Midnight), FIU will test fire and return the firearm to the transporting Police Supervisor. The test shots and firearm related materials (bullets, specimens, and/or fired cartridge cases) will be retained at FIU.
 - d. When FIU is closed, the PPD Evidence Receiving Clerk- Laboratory Division, will aid the transporting Police Supervisor in securing the firearm and related material in the mobile firearms storage box.
 - e. Subsequently, the PPD FIU will contact the Tactical Sergeant or assigned Detective Supervisor for return of the officer's firearm.
 - f. The firearm will not be unloaded or cleaned prior to examination.
 - g. Upon completion of the FIU examination, a copy of the findings will be forwarded to the Deputy Chief of Investigation and the assigned Detective Supervisor.
3. In all deliberate shootings (not involving animals), whether or not injury or death occurs, and all accidental discharges of firearms resulting in injury or death, the following guidelines will be used:
- a. The Deputy Chief of Investigations or his/her designee will interview the involved officer and determine if the firearm can be returned to the officer.
 - b. If the firearm is to be returned to the officer, follow the procedure outlined in section D., 2., above
 - c. If the firearm is not to be returned, the Deputy Chief of Investigations or his/her designee will notate, in the description section of the PPD Property Receipt containing the firearm information, "FIREARM IS TO BE TEST FIRED AND RETAINED."
 - d. The Deputy Chief of Investigations, or his/her designee's signature and date will follow. The Tactical Sergeant and/or the assigned Detective Supervisor will retain a copy of any PPD Property Receipt generated.
 - e. The Deputy Chief of Investigations, or his/her designee will transport the firearm, fired cartridge(s), and unfired ammunition and both PPD Property Receipts directly to the PPD Firearms Identification Unit (FIU).
 - f. When the PPD Firearms Identification Unit (FIU) is open (Monday through Friday, 6:00 AM to 12:00 Midnight), the FIU clerk will take possession of the weapon and related material.
 - g. When FIU is closed, the Evidence Receiving Clerk-Laboratory Division, will aid the Deputy Chief of Investigations or his/her designee in properly securing the weapon and related material in the mobile firearms storage box.

- h. If a replacement firearm is to be issued, the Tactical Sergeant or designee will ensure that a replacement weapon is issued to the involved officer.
- i. FIU will test fire the firearm in question and forward a copy of the findings to the Deputy Chief of Investigations or his/her designee.

Note: In discharges of approved personally owned firearms carried on or off-duty, the same procedure will apply.

E. Firearms Review Board

1. The Firearms Review Board will function as an administrative tool to provide the Chief of Police with information and recommendations regarding the use of deadly force by police personnel.
2. The Firearms Review Board will be composed of:
 - a. the Deputy Chief of Investigations, who will act as Chairperson;
 - b. the Deputy Chief of Patrol Operations;
 - c. the Captain of Patrol;
 - d. the Tactical Sergeant; and
 - e. a Shift Commander, other than the involved officer's, as assigned by the Chairperson.
3. The Chairperson of the Firearms Review Board will receive copies of all investigative reports on all discharges of firearms by police officers.
4. The Firearms Review Board will examine the facts of every case in which a police officer discharges a firearm (excluding training, target practice on a bona fide firing range or lawful hunting of game).
5. The Chairperson will convene the Board for the purpose of reviewing the investigative reports on each case.
 - a. If the review indicates that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Chief of Police in writing.
 - b. When the findings of the Board indicate a need for additional training, the Chairperson will direct the Training Coordinator to schedule the officer(s) for in-service training.
 - c. A debriefing of all officers will be conducted by the Deputy Chief of Patrol Operations or designee, to aid in future training programs.

6. If the review indicates that further information is required, the Chairperson will schedule a hearing and summon the involved officer and any witnesses necessary to enable the Board to complete its review.
 - a. If the Board determines as a result of the hearing that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Chief of Police in writing.
 - b. If the Board determines as a result of the hearing that the officer's action was not in accordance with departmental policy, the Chairperson will determine if disciplinary sanctions are warranted and recommend same in writing to the Chief of Police. The findings of the Firearms Review Board will in no way be determinative of the final disposition. The Chief of Police shall determine the final disposition, consistent with policy and the Collective Bargaining Agreement.

F. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

G. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

H. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.