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POLICE TECHNIQUES IN GUN FIGHTS

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The subject of combating armed criminals is a phase of police duty which any officer may encounter when least expected. Usually, no forewarning is given which can be construed as a declaration of war, and when a spontaneous firearm assault is made by a criminal, the officer must act instantaneously to protect his life and subdue the assailant. Therefore, precise rules of procedure cannot be prepared that would govern every conceivable type of firearm assault relative to tactical and combat principles, other than to suggest to the police officer that the basic military principle of combat action be adopted. However, practical police experience has demonstrated that certain fundamental knowledge is essential for success in gun fights.

The officer's position when dealing with armed criminals, or those suspected of being armed, is such that he must analyze the situation in compliance with the law and in accordance with the facts as viewed and interpreted at the scene of action. This analysis, in most instances, must be made instantaneously as there is no time for deliberation or quibbling over feather-edged legal principles when life is in danger. Courts and juries can deliberate calmly in the peaceful environment of a courtroom, where no danger threatens and split second decisions are not required. The critical press and over-zealous citizen can moralize on the police officer's action after an extensive study of partial or incomplete facts, then base their conclusion on what they personally construe as being the ideals of the police service, and render a lofty and profound decision. Those persons, when deliberating and reaching their decision, are not confronted with danger or the implement of death. There is no cause for tension or mental anxiety; there is no requirement for a split second decision. They do not acquire a true mental picture of the transaction because they did not see and live through the particular experience. Calmly analyzing concrete facts is a fairly simple process, but facing an abrupt menacing threat involving unknown elements of intent and incomplete facts, presents a crisis where snap judgment must be resorted to without opportunity for deliberation.

When dealing with armed criminals, the police officer must be extremely cautious. In most cases, the armed criminal does not give notice of his intent, thereby having

a strategical advantage since the officer must endeavor to make a formal arrest, and may only employ his firearm the instant he is conscious of a deadly menace. Unfortunately, in many cases the menace is detected too late, and the officer is shot down without a chance to defend himself. No definite rule can be established as to the instant a police officer may employ his firearm, except to react to a threatening gesture and a felonious assault. Each officer must interpret the conditions as they occur in the individual case, and if the action conforms with sound reasoning and legal principle, their conduct will usually be upheld by the courts. But if the officer is not familiar with the law, and he misconstrues a situation or fires without due consideration, then the responsibility of his act is debatable and a question for a court and jury to determine. If it is proven that the officer's actions were unsound, that there was haphazard and promiscuous shooting, that the offense and conditions did not warrant the use of firearms, that no element of danger existed constructively or inferentially, then the officer has exposed himself to considerable legal complication.

It is the general rule that an officer making a legal arrest is justified in using sufficient force to subdue and confine a prisoner. However, he should act with extreme caution and not resort to excessive violence until impossible to avoid it.

When an officer is attempting to make a lawful arrest for a misdemeanor and is met with forcible resistance, he is not obliged to retreat, but may use such force as may be reasonably necessary to accomplish the arrest. Yet, he is not justified in taking life even if the arrest cannot otherwise be effected, except when resistance is so violent as to put the officer in danger of death or in great bodily harm. In such cases, his justification in killing his opponent rests solely upon the ground of self-defense. Life may be lawfully taken in self-defense; but it must appear that he who takes it was in imminent danger of death or great bodily harm and that no other way of escape from danger was open to him. If a police officer is justified in killing, he is authorized to use any firearm or weapon that may be available for the emergency.

An officer attempting to arrest a felon, may use all the force necessary to apprehend him, even to the extent of taking life. Where a person may be lawfully arrested for a felony, and he, knowing the cause, flees so that he cannot be taken otherwise than by killing him, the officer pursuing him will be justified in so doing. It has been said that the killing is justified by the officer arresting on suspicion of the commission of a felony only on proof that such act was done.

When offensive measures are to be taken against armed criminals, all available information should be obtained, if time permits, so that legal jurisdiction and authority can be established.

On receipt of a complaint regarding an armed criminal, the information should be communicated by broadcast, and police concentrated to the critical point. The available police force should be organized at once for combat action. After estimating the situation, a simple plan of attack should be devised for concerted effort, authority established, and responsibility centered in the senior or most capable officer.

Due consideration should be given to the following points: Proper employment of all policemen to avoid confusion, phases of attack and defenses to be considered as theatre of operation warrants, proper reconnaissance to establish familiarity with

premises, posting of outguard sentries to prevent escape, utilization of terrain or buildings for cover protection, organization of maneuvering force for advance action, vulnerability of criminals' position should be determined, direction of fire should be controlled in order to avoid the shooting of innocent persons, consider delaying aggressive action if conditions warrant, either for reorganization of forces or to give the assailant time to contemplate surrender, consider shock-attack under the cover of comrades fire, designate most capable marksmen to strategical posts, maintain fire control, and do not permit promiscuous shooting.

When the officer is confronted by an armed criminal in an open area, he should identify himself and challenge the criminal to drop his firearm and surrender. If he refuses, a cautious approach should be made and at the first gesture of hostility, open fire. If necessary, drop to the knee or prone position to reduce full body exposure, thereby reducing the size of the target, and use both hands to control firearm. An officer standing and facing a criminal, considering height and width, makes a fair-sized target. Turning the body sideways reduces the target almost to a half in width; dropping to one knee reduces the height; and dropping to the prone position reduces exposure to a minimum. During the approach, carry the revolver at the ready position. If a surprise assault is made by an unseen assailant, and there is no opportunity to retaliate, resort to zig-zag running to position of cover. If the action is close and the criminal is exposed, concentrate fire to the vulnerable portion of his body, and employ rapid fire. Fire the first shots extremely rapidly and the rest coldly and deliberate. If action is twenty-five or more yards distant, drop to the ground, use body hands on the firearm, and deliberately aim each shot. If within reach of the criminal, and conditions are favorable, endeavor to grab his arm and apply a jiu jitsu hold or keep him off balance until control is secured. If conditions are not favorable, draw the gun and employ rapid fire—especially if within ten yards distance. At close contact, if necessary, resort to any foul tactics to prevent the criminal from shooting. Consider attacking the eyes, kneeing the groin, kicking the shins, butting the nose, or even biting. In a physical combat for control of the criminal's weapon, endeavor to hold the cylinder or hammer to prevent operation, secure a leverage hold on the barrel and twist gun by jiu jitsu constriction principle and keep the muzzle pointed toward the criminal. When covering an armed criminal with a gun, never extend the gun where it may be deflected or snatched, but retain the hand at the waistline. Be coldly deliberate and prompt in cases of gun action, but do not telegraph intent by show of eagerness and expression. Once the action starts, explode with aggressiveness and determination to conquer, for it means survival of the fittest. Consider the fact that the average criminal is not equal in firearm proficiency nor as mentally alert as that of the properly trained police officer.

When approaching a person suspected of being armed on the street, draw your gun, and be attentive to any hostile move on his part. Should the suspect open fire without warning, take advantage of any available obstruction such as automobiles or telegraph poles. Be cautious of wounded criminals, and make approach from angle where the criminal cannot readily observe. Have your revolver at the ready position. Avoid promiscuous shooting on crowded streets. It is better to endure an escape than to kill an innocent citizen. The citizen cannot be brought back to life, but there is

always a possibility of apprehending the criminal at some later time. If an officer is wounded and still exposed to the criminal's fire, and he is unable to retaliate, and there is no possibility of rescue or escape, the officer should lie still and not invite further shooting. In case the incident resolves to a matter of life or death, keep shooting until the last breath.

If an armed criminal is barricaded in a house, resort to Tactical and Combat Principles, and employ concentration of police power. A house can be approached under the cover of a smoke screen, or the use of a vehicle loaded with bullet resisting material. Give due consideration to the composition and structure of the building. High powered rifle bullets will penetrate the average frame house, but revolver and sub-machine gun bullets cannot be depended on. Revolver bullets will penetrate light structure such as single floors, stairways, doors, and plaster walls. In an emergency utilize as a shield against shotgun or revolver fire, such objects as sheets of metal or any portable metal object. Twenty pounds of packed newspaper will resist ordinary shotgun pellets or .38 caliber bullets; likewise, an oak plank or similarly solid wood. If within the building, and the criminal is lodged in a particular room, consider shooting through plaster walls, frame stairways, ceilings or floors. Should the criminal be barricaded in an outhouse or behind some obstruction, and there is no danger to other homes, consider the use of gasoline bombs. A glass container filled with gasoline will make an ideal bomb. To construct the bomb, tie a dry cloth securely around the neck of a glass container, and allow for a streamer of cloth approximately two feet long. Saturate the free end of the streamer in gasoline and ignite before throwing. The force of contact will break the glass container, spray the gasoline over the immediate area, and the burning streamer will ignite the gasoline, thereby routing to exposure the barricaded criminal. Gasoline bombs should be used only in extreme emergencies, and not where there is danger to the lives of others or where there may be undue destruction of property. When it is determined that armed criminals are located in a particular house, sufficient police should be assigned to surround the premises. Post outguards at all points of exit, and block avenue of escape by placing any available obstruction across the highways. Trucks, automobiles, logs, spiked boards, and such like material may be used. After posting guards and making all necessary preparation, and loading the police car with bullet resisting material, an open approach may be made. By sounding the siren to attract attention, it may be possible to "flush" the criminals into the open in their efforts to escape, where they can be challenged and arrested by the outposts. If criminals do not leave the building, demand their surrender. If they refuse, make a strategic approach under the protection of designated marksmen. Should the criminals open fire, maneuver to advantageous position and counter with rifle fire.

When pursuing criminals traveling in automobiles or stopping an automobile suspected of containing armed criminals, problems usually arise without much warning and give the police little time for tactical organization. However, basic principles may be considered: When in pursuit of armed felons, endeavor to shoot the driver first. Criminals may crouch down within the seat compartment, and .38 or .45 caliber bullets rarely penetrate the metal and upholstery of the car. High powered rifles are the only weapons that can be definitely depended on. It might be well to shoot

at the tires and gas tank in an effort to impede flight. Officers should crash a hole through the police car windshield and assume a natural shooting posture, instead of awkwardly leaning out of the side window. If conditions are favorable and a straight highway exists, stop the police car, dismount, and from the prone position resort to accurate fire. If the police are being fired on while in close pursuit, they may use the rubber flooring or folded overcoats as a shield. If the police arrive abreast of the fleeing car and the occupants have not shown indications of firearms, crowd the suspects' car to the curb by closing in at the left front. When it is definitely known that a bandit car will travel a certain highway, construct a barrier by placing the police car or other cars across the highway or passage way. In case of necessity any bulky object may be used as passage way obstruction. This should be done at a chosen portion of highway where the surrounding terrain prevents passage. When checking traffic along route of criminals flight, a strategical location should be chosen. The greater portion of the highway should be blocked with obstruction, leaving a narrow passage for ordinary traffic. Police should deploy to avoid making a concentrated target or invite single direction of fire. All traffic should be stopped and inspected before being permitted to pass. One officer should execute the stopping signals while the rest should deploy behind available cover, and be ready to act should the occasion demand. If conditions warrant, police may place themselves in successive posts along the highway, at distances of fifty or seventy-five yards. If the felons open fire or endeavor to run down the first officer, the succeeding police may forthwith shoot at the oncoming car. A police trap should be organized strategically at the point of interception, to such extent that it will convey a warning and be a difficult hazard for criminals to overcome. A display of armament and an attitude of firm determination that tolerates no resistance, may cause armed felons to surrender.

When traffic is being checked in an effort to detect criminals, it is preferable that a lone officer conduct the inspection, while one or more police assume strategical positions from where they can make a general observation and be alert for any emergency. The officer rendering signals should request the motorist to stop and park off of the main road. The inspection officer should approach the operator from the left and rear of the vehicle. If suspicion warrants, order the occupants from the car with their hands exposed; and the officer should have his service revolver at the ready position. When there are two or more suspects, compel them to stand in an exposed area in column with their hands raised, and facing away from the officer. Have the suspects separate their feet to such extent that it will prevent quick movement and have a tendency to keep the individual off balance. Give a firm warning that any false motion or threatening gesture will result in disaster. The officer should then proceed to conduct a search, beginning at the rear of the column. When the search of the first suspect is completed, direct him to walk to the head of the column, then search the next individual. Continue this procedure until all have been searched. By conducting a search in this manner, the officer remains at all times in rear of the suspects and is in position to fully observe any menacing movement. After a thorough search of each suspect, direct that they stand in an exposed area, and while a police comrade maintains watch, conduct a search of the suspect's vehicle. Do not hesitate to examine the

car minutely, as firearms have been found tied by wire to the frame structure under the car, within the spare tire or upholstery, or within the large hub caps.

Frequently, conditions arise over which the police have no control, but they are involved in the ultimate consequences. Therefore, it is advisable to consider the following points in the interest of justice and self-protection. Should a criminal be killed as a result of a gun battle, and there is a possibility of some other police authority arresting the responsible officer before a proper investigation can be made, a member of the officer's own organization should make the technical arrest. This action will prevent a publicity seeking or over-officious police authority from interfering during an important phase of the investigation. Interfering with or taking a prisoner from an officer is a violation of the law. No attempt should be made to protect an obviously guilty police officer, nor any more consideration afforded, but a just and honorable course pursued, and a conscientious effort made to ascertain the true facts. In every shooting case, whether death results or not, the officer concerned should instantly secure the names of witnesses and license numbers of nearby cars. If possible, secure brief selfwritten statements from the witnesses. The officer should notify his Commanding Officer as soon as possible. The senior officer should dispatch competent investigators to the scene at once, also notify superiors. A police photographer should be directed to record all physical evidence. A complete report should be submitted by the concerned policeman, so that the Commanding Officer will have knowledge of the basic facts. No public statements should be made by the involved policeman, except by the authority of his Commanding Officer, and then only to lawful authority. If the circumstances warrant, the Commanding Officer should reveal to any competent authority, or the press, the established facts concerning the shooting affair. Silence may be misconstrued as concealment of guilt, or rumor mongers may create unfavorable reactions. However, nothing should be quoted that may be misconstrued by antagonistic press or prejudiced persons. When an antagonistic newspaper persists in insinuating false intimations, it is better logic to remain silent, for a lone policeman cannot combat the power of the press.

An officer should be extremely cautious when accompanied by an inexperienced or excitable policeman whose temperament may result in promiscuous shooting. In a joint action all concerned may be held accountable for the results. Endeavor to calm a temperamental officer or dispatch him to some other duty. Be careful of the policeman who may have the "itch" to kill, or who may be seeking a reputation as a killer, or who is a headline hunter, or who is ready to shoot at the least provocation, or who may use any flimsy technicality to justify his malicious act. Establish a rule of police procedure to shoot only when there is reasonable grounds that a felony has been committed and do not rely on merely suspicion that a felony might have been committed. Shoot only when life is in danger or a vicious felon cannot be apprehended. In case of an escaping felon, shoot as a last resort and when all means of apprehension have failed. In case of a firearm assault against the police, always shoot to kill.

When an escaping criminal is charged with a minor felony, the officer should not resort to firearms even though the law so authorizes. The law and court decisions on this point are elastic, and responsibility for a killing depends on the circumstances

of each particular case. An officer is not using sound judgment if he killed a youth, or mentally deficient adult, who was detected stealing a bucket of coal, a bicycle, a quart of milk, vegetables from a garden, etc. If an officer kills a person on suspicion of a minor felony, it may later develop that the offender was mentally irresponsible, and even if the procedure was legal, the consequences may bring court, and public disapproval. The written law proposes a rule of procedure, but the element of moral responsibility may sway the judgment of a jury. A police career may be jeopardized by the killing of a minor felon.

When accusation of a major felony can be substantiated, that a person is involved in the crime of arson, rape, robbery, burglary, kidnapping, and murder, and escape cannot be prevented, the officer is justified in shooting. But in such cases as abortion, petty larceny, sodomy, incest, riotous destruction, blackmail, receiving stolen goods, fraudulent conversion, the officer should give serious consideration to all elements before resorting to firearms. It is preferable to make a determined effort to prevent an escape, and if not successful, avoid shooting, for it is possible that the criminal might be apprehended at a later date. By adhering to this policy, the chance of killing a youth or mental defect is eliminated, and legal complications and personal distress are avoided. Whenever any doubt exists relative to an escaping suspect, the officer should consider the consequences before shooting. A doubt may arise as to whether or not the complaint is substantial and reliable, whether the suspect is the responsible person, or whether the grade of crime is of serious import. Police should familiarize themselves with various firearms to the extent that they can detect the particular type of firearm by the explosion. Rifles usually accommodate a clip of five cartridges, but it is possible to load the sixth in the chamber. Revolvers are usually loaded with six cartridges. Automatic pistols, depending on the type, may be loaded with from six to nine cartridges. Shotguns may be loaded with ammunition ranging from one to six cartridges, depending whether the arm is a single or double barrel, or a pump gun. In case of a gun fight, these facts should be taken into consideration, as it may be possible to execute the police charge before an assailant can reload his weapon.

In the final analysis regarding gun fights, a police officer may feel he is justified in all his actions because he experiences the feeling, tension, danger, and a full understanding of the entire transaction. Self-constituted police experts theorize and base their conclusion on imaginary fancies for they have not lived through the actual experience. The officer's action may be misconstrued or perverted by biased sources. Since most people loathe a killing, it is not difficult to arouse public resentment, sympathy for the victim, and a condemnation of the police officer. The press can mould public opinion, and a newspaper hostile toward the police can generate an unpleasant attitude by insinuation and perversion of facts. Unfavorable publicity may sow seeds of partiality, and prospective jurors may be subconsciously influenced to render a verdict based on sentiment or emotion instead of basing their conclusion on the actual facts.

The subject of police procedure regarding the use of firearms is too broad to outline in all its possible phases. However, the procedure suggested in this article will aid the officer in the average shooting case, at the same time offers much food for thought.

The police student is directed to digest the law and court decisions on the subject of killing in self-defense or apprehending felons, and when the crisis arises, to adopt a policy that is based on sound basic procedure. Due consideration should be given to the possibility of error or where a doubt exists, consider the personal accountability for misinterpretation of apparent facts, and finally consider the ultimate consequences. Police who kill due to lack of knowledge of their profession must answer for their conduct, and the answer is usually a cold, heartless condemnation. But, police who have trained themselves to think in an emergency, who possess knowledge of the law, police procedure, and know something of human emotions have no difficulty after killing a dangerous felon; in fact, they will be commended for their efficiency.