September 21, 2000

MEMORANDUM

TO: CSU Presidents
FROM: Charles B. Reed
Chancellor

SUBJECT: Executive Order No. 756 – Authorized Weapons, Weapons Training and Use of Weapons in California State University Police Departments

I am transmitting a copy to you of Executive Order 756. This executive order supercedes and updates prior Executive Order 228 and BA 77-5 related to authorized weapons, weapons training and use of weapons. This executive order authorizes and describes the types of weapons that may be used by CSU police departments, provides guidelines for the use of authorized weapons, and outlines weapons training and qualifications requirements. Further, the executive order provides for systemwide and inter-campus weapons coordination and direction for campus presidents and police chiefs in the management and use of police weapons and in insuring that all campus police officers are appropriately trained and qualified in the use of individual weapons.

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

CBR/lb

Attachment

cc: CSU Vice Chancellors
CSU Campus Police Chiefs
Chancellor’s Office Department Heads
THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California  90802-4210  
(562) 951-4700

Executive Order No. 756

Title: Authorized Weapons, Weapons Training and Use of Weapons in California State University Police Departments

Effective Date: September 21, 2000

Supersedes: Executive Order 228 and BA 77-5

This Executive Order provides comprehensive systemwide policy and guidelines for the selection and use of weapons by CSU Police Departments and for weapons training and qualification by CSU Peace Officers. As used in this Executive Order, the term CSU Peace Officer covers all sworn CSU police personnel including all police officers, lieutenants, and campus Police Chiefs.

I. PEACE OFFICER ARMED DUTY STATUS

All qualified California State University (CSU) Peace Officers shall be provided with side arms by the CSU for use while on duty. With the written approval of the campus Chief of Police, qualified officers may use personally owned side arms. All side arms must meet the standards outlined in Section II below. In addition to side arms, campus Presidents may authorize in writing and make available to qualified campus Peace Officers additional weapons and equipment pursuant to this Executive Order and the Memorandum of Understanding between the CSU Board of Trustees and the Statewide University Police Association.

All qualified campus Peace Officers shall be armed while on duty except in unusual circumstances which make this inadvisable. Each instance where Peace Officers will not be armed while on duty shall be identified by the campus Police Chief and approved in advance in writing by the campus President.

Campus Presidents and Police Chiefs will ensure that:

A. CSU Peace Officers shall not use an individual weapon until they have completed the required training and are fully qualified in the use of that weapon.
B. Qualified campus Peace Officers who are armed shall receive semiannual training in the legal and operational aspects of firearms and shall complete the requirements to remain qualified on each weapon they use.

C. Qualified campus Peace Officers are sufficiently armed to protect themselves and the community from violent action.

D. Each campus law enforcement unit will develop written procedures for the use of firearms which respect the atmosphere, environment and demeanor of the campus community.

II. WEAPONS STANDARD

Each campus Police Department will develop procedures for the use of firearms consistent with campus environment.

On-duty and off-duty weapons carried by police officers shall be prescribed by the campus Chief of Police. Weapons (except shotguns) used on campuses are limited to the following calibers:

.22, .25, .32, .38, .380, .357, 9mm, 10mm, .40, .45, or .223 (see note on shotguns below)

Smaller caliber weapons may be used for rodent or animal control purposes.

Alternative (less lethal) weapons may be used such as tasers and stun guns, including weapons to launch such devices as pepper balls, tear gas, bean bags, etc.

The type of ammunition used in the above chosen weapons shall be furnished and approved by the campus Chief of Police. The ammunition authorized for the chosen weapons shall be furnished for on-duty firearms only. In addition, procedures shall be established relative to the following matters in the control of on-duty firearms:

A. Storage of firearms while not in use.

B. Preventative maintenance of firearms.

C. Authorized repair and/or modification of firearms.

Note: Shotguns may be used, as approved by the campus President. Once approved, the type of shotguns used shall be designated by the campus Chief of Police, and shall be consistent with weapons currently used by police departments in California. All officers in a campus police department shall be trained on and qualified to use the type of shotgun designated by the campus Police Chief.

Campus Police Chiefs should be cognizant of the weapons used by neighboring allied agencies, in case of the requirements for joint response to emergencies. CSU police officers may be deployed in situations where high risk entry tactics may be used.
III. FIREARMS POLICY

The primary responsibility of law enforcement is to protect society. Although infrequent, occasions do arise wherein circumstances dictate the use of deadly force as the only available means of meeting this responsibility. At these times, law enforcement officers must be ready to respond appropriately. Proper equipment, thorough training and clear guidelines must act in concert to supplement the officer’s judgment.

Law enforcement, as society in general, holds human life in highest possible regard, and all reasonable safeguards must be employed to prevent the loss of human life. Every law enforcement officer must have, at his/her disposal, the necessary tools to prevent the loss of human life, whenever possible.

While proper training, sufficient equipment, the employment of proper equipment and the employment of proper tactics may, in some cases, expand the decision making time available, it is inevitable that most decisions regarding the use of firearms will be made within the constraints presented to an officer faced with a particular set of circumstances. Because of this, policies regarding the use of firearms must aid in the decision of whether or not to employ a deadly force.

This policy is intended as a guideline which falls within the legal dictates of our society, while providing guidance to the law enforcement officer faced with a potential shooting situation.

No policy may serve as an alternative to proper and thorough training. Policies and training must act together to promote effective law enforcement practices.

A. Authorized Use of a Firearm

It is the policy of California law enforcement to resort to the use of a firearm under law when it appears to be reasonably necessary. An officer is justified in the use of a firearm:

1. To protect him/herself or others from what he/she reasonably believes to be an immediate threat of death or serious bodily injury; or

2. To effect the arrest or prevent the escape of a fleeing felony suspect, if the officer has reasonable cause to believe that:
   a) The crime for which the suspect is wanted, involved the infliction or threatened infliction of serious physical harm, or the suspect poses a threat of death or serious bodily injury to the officer or others; and
   b) Other means of immediate arrest are impractical.

B. Procedures for Use of Firearms

Policies which define the authorized use of firearms by law enforcement officers are drafted to restrict the use of firearms to those situations where alternatives are impractical. It is the responsibility of each law enforcement agency to minimize the misuse of firearms by its employees. The following procedures are suggested to assist in attaining this goal:
1. **Qualifications for Use of Firearms by Peace Officers**

   a) Only those officers who meet the training and qualification requirements of the campus police department for demonstrated proficiency in the use of firearms shall be allowed to carry or use firearms.

   b) Officers shall receive training in and qualify with, all types of firearms they may be required to use in the performance of their law enforcement duties. A written record of semiannual training and firearms qualifications shall be maintained for each officer.

2. **Weapons and Ammunition**

   a) Only weapons and ammunition meeting department specifications shall be carried either on or off duty.

   b) All firearms carried either on or off duty by an officer shall be registered with the employing law enforcement agency.

   c) Officers may carry weapons off duty and the chief law enforcement administrator may require weapons to be carried off duty except when the situation dictates it to be impractical.

3. **Discharge of Weapon — Report of**

   Whenever any officer accidentally or intentionally discharges any weapon other than for practice, qualification or reasonable lawful recreational purposes, a written report shall be submitted prior to the end of the tour of duty in which the discharge occurred to the chief campus law enforcement administrator or designee setting forth all circumstances surrounding the incident.

4. **Shooting Inquiry Board**

   a) A board of inquiry shall be appointed by the chief law enforcement administrator to review the facts in each instance of the discharge of a weapon by officers during the apprehension or attempted apprehension of a subject.

   b) The board shall prepare a report to the chief law enforcement administrator setting forth the facts of the incident, including the board’s opinion as to compliance with laws and departmental directives.

5. **Reasonable Belief**

   a) An officer’s actions in discharging a weapon must be guided by a reasonable belief and reliance on facts and circumstances surrounding the situation as the officer understands them to be at the time he/she discharges the weapon.

   b) Subsequent review of an officer’s actions in discharging a weapon should rely on the facts known by the officer at the time he/she
discharged the weapon. Information subsequently learned should not be considered in deciding whether the officer acted properly.

6. **Warning or Attention Shots**

Generally, warning shots are discouraged and must be justified when used.

7. **Moving Vehicles**

Shots fired at or from moving vehicles are rarely effective and may pose a hazard to innocent persons. Discharge of a weapon under these circumstances is discouraged.

8. **Animals**

   a) Killing an animal is justified when the animal is so badly injured that humanity requires its relief from suffering, other disposition is impractical, and the safety of persons in the vicinity has been given due consideration.

   b) Stopping an attack by an animal which poses a threat of substantial harm to an officer or other person may justify the use of a firearm.

IV. **CHEMICAL AGENTS — TEAR GAS**

The use of chemical agents, including tear gas, shall be limited to the protection of life or property when other means of lawful force are either unsuitable or unavailable.

A. **Chemical Agents — Issuance**

Chemical agents, including tear gas, shall be issued only to department personnel who are qualified in their use, as required by Section 12403 of the California Penal Code.

B. **Chemical Agents — Authorization to Carry on Duty**

Chemical agents issued by the department and approved by statute, including tear gas and pepper spray, shall be carried by on-duty personnel only when authorized by the Chief of Police.

C. **Chemical Agents to be Certified for Use**

All chemical agents, including tear gas and pepper spray, used by the department shall be certified as acceptable by the State Department of Justice as required by Section 12403 of the California Penal Code.

D. **Reporting — Use of Chemical Agency**

The discharge of a chemical agent, including tear gas, shall be reported to a supervisor, as soon thereafter as possible. A written report describing the circumstances, shall be filed by the employee, or when appropriate, the supervisor, prior to the end of the tour of duty in which the incident occurred. This report shall include the identity of persons involved, describe the area of the body exposed, the
date and time of any medical treatment rendered, and the name of any treating physician. This report shall be forwarded to the Chief of Police for review.

V. USE OF OLEORESIN CAPSICUM (PEPPER SPRAY)

A. Purpose

The purpose of this policy is to establish guidelines for the use of Oleoresin Capsicum, (hereinafter referred to as Pepper Spray). These guidelines outline when the use of Pepper Spray may be necessitated through the normal escalation of force and once used, the precautionary steps to be implemented to ensure that life threatening complications do not occur.

B. General Information

Pepper spray is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is a defensive weapon intended to gain control of an unarmed attacker, or to overcome resistance likely to result in injury to either a suspect, a victim, or the officer.

Although Pepper Spray is a natural derivative, its effect on some people will cause them to automatically, or out of natural causes, gasp for air. A complete stoppage of breathing for a period of time may occur. Due to the possibility of these physical conditions occurring in someone after being sprayed, the following guidelines will be followed.

C. Use of Pepper Spray

When the situation requires Pepper Spray to be used, it is to be sprayed in a one second burst. It is not meant to be used repeatedly on an individual, or for long periods of time.

D. Actions to be Taken After Use

1. After a person has been sprayed and controlled, the officer’s immediate concern should be to facilitate the subject’s ability to breathe and monitor their breathing while the subject is in custody.

2. After the person has been controlled, officers are not to sit on the stomach, or be on top of, the subject to such an extent that he/she cannot breathe.

3. Officers should not hog-tie an individual after they have been sprayed. Forcing the body in an arched position may restrict the air passageway.

4. Officers should not lie the person down on their stomach, but rather keep them on their side, or on their back.

E. Medical Treatments

1. If the person experiences no physical difficulties, other than discomfort from the spray, proper first aid is to wash the person’s face with clear cold water, as soon as the situation allows, but ideally no later than (30) minutes from the time the spray was used.
2. If at the time the subject begins to have difficulty breathing; i.e. gasping for air, shallow weak breaths, the inability to talk, these are all signs of a life threatening emergency and emergency medical services need to be called.

3. The subject will need to be monitored while awaiting an ambulance. If at any time an officer is not sure if the person is breathing, the officer should place his/her ear over the subject’s mouth, and turn officer’s face towards subject’s feet, and look for signs of movement in the chest area. Officers should listen for signs of air being exhaled through the mouth and nose, and feel for air from subject’s mouth and nose on officer’s cheek.

4. If officer determines subject is not breathing, officer will need to determine if subject has a pulse to determine which basic life support skills, rescue breathing, or CPR, will need to be initiated.

VI. USE OF POLICE BATONS

Police batons shall be carried only by employees trained and qualified in their use and authorized by the Chief of Police.

A. Baton Use

Police batons shall be used only when other means of lawful force are either unsuitable or unavailable, and when necessary for crowd control, self-defense, to protect life or property, and to disarm or control potentially dangerous persons and animals.

B. Striking Above Shoulders

The baton shall not normally be used to strike areas above the shoulders, nor swung in an over-the-head downward striking motion. This restriction does not apply when the confrontation involves the defense against the use of deadly force or a deadly weapon.

C. Reporting — Use of Baton

The use of the police baton upon the person of another shall be reported to a supervisor, as soon as possible after the incident. A written report, describing the circumstances shall be filed by the employee, or when appropriate, the supervisor, prior the end of the tour of duty in which the incident occurred. This report shall be forwarded to the Chief of Police for review.

Charles B. Reed
Chancellor

Dated: September 21, 2000