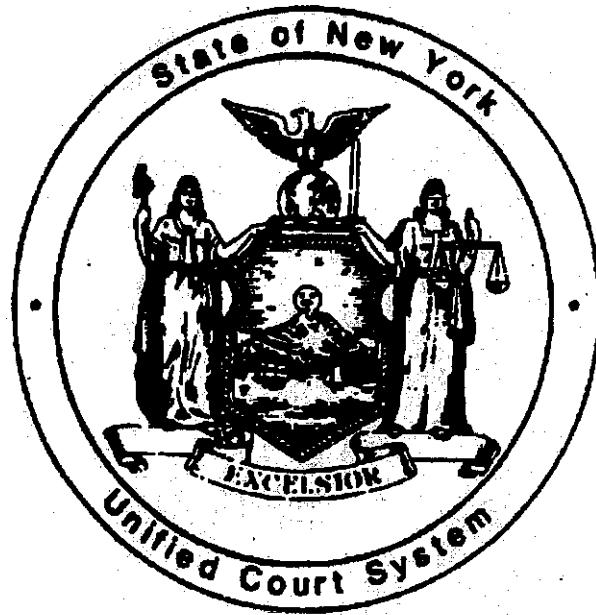


**STATE OF NEW YORK
UNIFIED COURT SYSTEM**



**RULES FOR THE POSSESSION AND CONTROL OF
FIREARMS
FOR
COURT CLERKS**

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RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SECTION:	1
SUB SECTION:	1.10
TITLE:	GENERAL
EFFECTIVE DATE:	MARCH 1, 1997

A. GENERAL

These rules are applicable to any Unified Court System court clerk who has peace officer status and who has met the legal requirements for possessing and carrying a firearm. Court clerks who do not have peace officer status, but who otherwise are authorized to possess and carry a firearm, may not carry a firearm while on duty. An employee who violates any provision of these rules may be subject to disciplinary action.

B. DEFINITIONS

1. The term "Chief Administrator" shall mean the Chief Administrator of the NYS Unified Court System or his/her designee.
2. The term "court employee" shall mean any employee of the Unified Court System who has peace officer status pursuant to Section 2.10 (21) of the Criminal Procedure Law, but shall not include any employee holding a title in the Court Security title series.
3. The term "firearm" shall mean any handgun owned or possessed by an employee, including but not limited to a handgun carried while on duty (service firearm) and a handgun carried while off duty (off-duty firearm).
4. The term "supervisor" shall mean: Chief Clerk (NYC Courts); Clerk of the Court (Appellate Courts and agencies); Director (Office of Management Support); Executive Assistant to the Administrative Judge (Courts outside New York City); or the designee of any of these court officials.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.20
TITLE:	CARRYING OF FIREARMS ON DUTY
EFFECTIVE DATE:	MARCH 1, 1997

1. A court employee may carry a firearm on duty only where specifically authorized to do so by the Chief Administrator.
2. A court employee who is authorized to carry a firearm while on duty may carry only a firearm as prescribed in Section 1.40.
3. A court employee who is authorized to carry a firearm when wearing civilian clothes on duty must carry his/her firearm in a manner that it is not visible to others when in any area to which members of the public have access.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.30
TITLE:	CARRYING OF FIREARMS OFF DUTY
EFFECTIVE DATE:	MARCH 1, 1997

1. The carrying of a firearm by a court employee who is off duty is not mandatory and is subject to the rules and directives of the Chief Administrator.
2. A court employee authorized to carry a firearm off duty may carry only the firearm as set forth in Section 1.40.
3. A court employee who owns and/or possesses a handgun other than as prescribed in Section 1.40 may carry this firearm(s) only during private range practice or competitive shooting matches, or while hunting pursuant to a valid hunting license. When going to or coming from these activities, the firearm(s) shall be transported unloaded and in a locked box or gun case.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.40
TITLE:	THE FIREARM
EFFECTIVE DATE:	MARCH 1, 1997

1. The service and off-duty firearm for court employees authorized to carry a firearm shall be:

A double action, .38 special caliber, five or six-round cylinder capacity; two to four-inch barrel; fixed or adjustable sights; a blued, parkerized, nickel-plated or stainless steel finish; and standard checkered hardwood factory grips; and shall be limited to one of the following: (a) Smith and Wesson; (b) Colt; (c) Dan Wesson; (d) Ruger.

or

The Glock 26, 9mm pistol with ten-round capacity magazine, New York + Trigger and, if desired, night sights.

2. The internal working parts of any service or off-duty firearm may not be modified or altered in any way. For revolvers, the addition of a custom hardwood or hard rubber grip, grip adapter or target hammer or trigger is acceptable. No trigger shoes are permitted.
3. It is the responsibility of a court employee to keep all firearms and related equipment serviceable and in good repair at all times.
4. A court employee who believes his/her firearm is damaged or defective in any way shall immediately contact the appropriate training officer employed by the Unified Court System, who will arrange for inspection and test firing of the firearm, if necessary.
5. The use of a 15-round "law enforcement" magazine in the Glock 26, 9mm pistol is prohibited.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.50
TITLE:	AMMUNITION
EFFECTIVE DATE:	MARCH 1, 1997

1. Carry ammunition for service and off-duty revolvers shall be restricted to the .38 special caliber 158 grain, semi-wad cutter, lead bullet.
2. Carry ammunition for the Glock 26, 9mm pistol shall be restricted to the 147 grain, sub-sonic, jacketed, hollow-point, lead bullet.
3. All firearms shall be fully loaded when carried. The Glock 26 pistol shall be carried with a full factory magazine (ten rounds) and the chamber charged. Court employees, while on or off duty, shall carry no more than two additional magazines.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.60
TITLE:	HOLSTERS
EFFECTIVE DATE:	MARCH 1, 1997

1. A court employee who is authorized to carry a firearm shall keep it in a safe and serviceable holster. At no time on or off duty shall a handgun be carried in any type of trick, gimmick or quick-draw holster.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.70
TITLE:	REGISTRATION AND INSPECTION
EFFECTIVE DATE:	MARCH 1, 1997

1. All firearms owned, possessed or acquired or disposed of by a court employee shall be registered with his/her supervisor, by presenting a legible copy of the bill of sale or record of transfer no later than the next regular business day following the date of acquisition or disposition.
2. In addition to the procedures set forth in Paragraph 1, a court employee shall report such acquisition or disposition on New York State Police Form C (Acquisition or Disposition of a Firearm by police officers and peace officers) and shall submit this form no later than the next regular business day following such acquisition or disposition to his/her supervisor, who shall submit the original to the Office of Court Security Services for endorsement and forwarding to the New York State Police.
3. The supervisor shall keep a current record of all firearm purchases, sales and other transactions.
4. A court employee shall report in writing to the supervisor no later than the next regular business day when any firearm owned or possessed by such court employee is lost, stolen or destroyed. Lost or stolen firearms must be reported to the supervisor by the court employee on the standard incident report form. The supervisor shall forward the original report to the Office of Court Security Services and a copy of the report to the Inspector General. The supervisor also shall notify the Inspector General, in writing, of any firearm that is reported destroyed. Lost, stolen or destroyed firearms also shall be reported immediately to the Police Department of the jurisdiction in which such loss, theft or destruction occurs.
5. A court employee shall not be a party to any firearms transaction that is not authorized by law or by these rules.
6. A court employee who has purchased or otherwise acquired a new or used service or off-duty firearm or related accessory shall, before carrying the firearm or accessory, have it inspected by a range officer employed by the Unified Court System. Upon inspection, any such firearm or accessory found to be defective or dangerous shall be replaced or repaired at the court employee's expense and the firearm or accessory re-inspected within a reasonable period of time as determined by the appropriate training officer.

SUB SECTION: 1.70 (Continued)
TITLE: REGISTRATION AND INSPECTION

7. A range officer employed by the Unified Court System may request that any firearm or related accessory possessed by a court employee be presented to said range officer for inspection. Upon inspection, the range officer may recommend to the appropriate supervisor that the continued possession of that firearm or other accessory be prohibited. The supervisor may then take whatever steps are appropriate, including confiscation of the firearm or accessory, to insure that the firearm or accessory is not carried until all defects are cured.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.80
TITLE:	SAFEGUARDING
EFFECTIVE DATE:	MARCH 1, 1997

1. A court employee shall be responsible for safeguarding his/her firearms at all times and for the safe and proper handling and serviceability of such firearms.
2. A court employee shall be alert at all times when carrying a firearm in order that the firearm may not be lost or misused or taken from his/her person.
3. If a court employee is unable to properly safeguard the firearms in his/her possession because of illness or injury, the supervisor shall take appropriate steps to secure said firearms.
4. A court employee who discharges a firearm, whether on or off duty, except during practice at the pistol range, shall report such discharge immediately to the Police Department of the jurisdiction where the discharge occurred, and also shall report all the facts and circumstances in writing on the standard incident report form to his/her supervisor no later than the next regular business day.
5. A court employee shall not enter the court detention area with a firearm.
6. A court employee processing an arrest in an area under the control of another agency shall conform to the regulations of that agency concerning the safeguarding of firearms in restricted areas.
7. A court employee shall not clean or dry-fire a firearm on court premises except when participating in an authorized firearms training class.
8. A court employee shall not leave a firearm in a clothes locker on court premises.
9. A court employee shall not leave or store a firearm unattended in any motor vehicle.
10. While outside New York State, a court employee shall comply with the laws of the jurisdiction in which he/she is located concerning the possession, carrying and use of firearms.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.90
TITLE:	TRAINING
EFFECTIVE DATE:	MARCH 1, 1997

1. A court employee shall successfully complete the basic or transitional firearms certification course and all annual requalification courses, as prescribed by the Chief Administrator, to be or to remain qualified to possess and carry firearms.
2. Subject to the restrictions set forth below, a court employee shall be issued a standard photo identification card which will identify the employee as a peace officer. No court employee may purchase, possess, acquire or carry a firearm until he/she has been issued an identification card without the "no gun" restriction.
3. A court employee who was not previously a court officer or who was not qualified to carry a firearm as a court officer shall be issued a "no gun" identification card on the first day of employment in a peace officer title.
4. A court employee who was not previously a court officer shall be eligible to begin firearms training upon completion of six months satisfactory service in a peace officer title, the completion of peace officer training, and successful completion of screening processes established by the Chief Administrator.
5. After successful completion of firearms training, a court employee shall be issued an identification card without the "no gun" restriction.
6. A court employee reporting for firearms training or requalification must bring such equipment as is mandated by the training staff.
7. Each court employee reporting for firearms requalification may fire only his/her service and off-duty firearm.
8. Court employees attending firearms training sessions must promptly obey all commands of training and range personnel and must follow all safety rules and procedures while undergoing such training.
9. The Chief Security Training Officer, or his/her designee, shall keep on file a current record of scores for each court employee who has received firearms training and shall notify, in writing, the supervisor of any court employee who has failed to successfully complete all training requirements.

SUB SECTION: 1.90 (Continued)
TITLE: TRAINING

10. A court employee who fails to fire qualifying scores, or fails to appear at any required annual requalification course, shall be prohibited from carrying his/her service or off-duty firearm until he/she appears and fires qualifying scores. The court employee's service and off-duty firearm shall be turned over to and kept secured by the court employee's supervisor until the court employee fires qualifying scores.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.91
TITLE:	FIREARMS CONTROL
EFFECTIVE DATE:	MARCH 1, 1997

1. A court employee shall not dispose of a handgun to any person not authorized by law or by these rules to use or possess such handgun, nor shall he/she permit any such unauthorized person to handle or discharge a handgun under the court employee's ownership or control.
2. A court employee shall, prior to the commencement of a leave of absence or retirement, or immediately after suspension or termination, or upon appointment to a position without peace officer status, turn in all firearms owned or possessed to the office of the court employee's supervisor, or dispose of said firearms in any other legal manner and submit proof of such disposition to his/her supervisor.
3. A court employee may be prohibited from carrying or possessing a firearm when such action is deemed proper by the appropriate Administrative Judge having authority over the court in which the court employee is assigned. A court employee prohibited from carrying or possessing a firearm shall surrender to his/her supervisor all firearms owned or possessed by the court employee and shall be issued a "no gun" identification card.
4. A court employee must notify his/her supervisor of any factor which may affect his/her ability to safely handle a firearm. This includes, but is not limited to, the taking of prescribed medications, psychiatric care and physical impairments.
5. A court employee must immediately surrender his/her firearm(s), shield and identification card if so directed by his/her supervisor.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	1.92
TITLE:	PENALTIES/LOSS OF PEACE OFFICER EQUIPMENT
EFFECTIVE DATE:	MARCH 1, 1997

1 A court employee who loses a firearm, shield or peace officer identification card shall be subject to the procedures and schedule of penalties set forth in this section, except that the Chief Administrator or the court employee, if entitled to a hearing pursuant to his/her collective bargaining agreement or the Rules of the Chief Judge, may elect to proceed by way of disciplinary hearing, in which case this section shall not apply.

2. The schedule of penalties for loss of firearms, shields or peace officer identification cards shall be as follows:

(A) **FIRST OFFENSE**

Loss of Firearm Forfeiture of up to ten days annual leave; six months firearm suspension; classroom retraining.

Loss of Shield Forfeiture of up to five days annual leave.

Loss of Identification Card Forfeiture of up to two days annual leave.

(B) **SECOND OFFENSE** (Within five years of the first offense)

. Double the above penalty ranges.

(C) **THIRD OFFENSE** (Within seven and one-half years of the first offense)

. **Termination.**

3. In imposing the penalties set forth in this section, the Chief Administrator may consider mitigating or aggravating circumstances present in each individual case, including previous incidents of loss of equipment, and the employee's overall record in the Unified Court System.

4. Where more than one type of property is lost in a single incident, the penalty imposed may be cumulative.

SUB SECTION: 1.92 (Continued)
TITLE: PENALTIES/LOSS OF PEACE OFFICER EQUIPMENT

5. When the employee has not accrued adequate annual leave to cover a proposed penalty, a monetary amount equal to the number of annual leave days shall be deducted from the employee's paycheck.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SECTION:	2
TITLE:	USE OF FORCE
SUB SECTION:	2.10
TITLE:	POLICY
EFFECTIVE DATE:	MARCH 1, 1997

- A. A court employee is not mandated to perform security functions that require use of a firearm while on duty.
- B. A court employee shall be familiar with the provisions of Article 35 of the New York State Penal Law, "Defense of Justification," as well as any other policies, directives or memoranda regarding the use of force.

C. **Physical Force**

This section is not intended to broaden or modify a court employee's civil or criminal liability in any way and should not be construed as creating a greater or lesser standard of safety or care than otherwise set forth by law. If a situation appears to call for the use of physical force, a court employee shall apply the following guidelines:

- 1. Physical force may be used when the exercise of persuasion, advice and/or warning is found to be insufficient to obtain cooperation and control. Such physical force, if used, shall be the minimum force reasonably necessary to effect cooperation and control of the situation at hand.
- 2. Under no circumstances shall such force exceed that provided for by statute.
- 3. If physical force is used when not required, or is unreasonable in degree, it may be deemed misconduct and subject to disciplinary action.

D. **Deadly Physical Force**

- 1. Deadly physical force may be used when there is reasonable cause to believe the use of such force is necessary to protect oneself or another person from the use or imminent use of deadly physical force.

SUB SECTION: 2.10 (Continued)
TITLE: USE OF FORCE

2. A firearm shall not be discharged:
 - (a) Under circumstances where the lives of innocent persons may be endangered.
 - (b) At an unarmed fleeing felon or an escaping prisoner, unless the court employee's life or the life of another person is in danger.
 - (c) As a warning shot. However, when feasible and consistent with personal safety, a warning of some type (other than a shot) should be given.
 - (d) As a means of summoning assistance.
 - (e) From or at a moving vehicle unless the occupants of the vehicle are using deadly physical force against the court employee or another by means other than the vehicle.
 - (f) At dogs or other animals unless an immediate risk of physical injury exists and there are no other means to control the animal or escape injury.
3. To minimize the possibility of accidentally discharging a firearm, the revolver shall not be cocked and should be fired double action.

RULES FOR THE POSSESSION AND CONTROL OF FIREARMS

SUB SECTION:	2.20
TITLE:	GUIDELINES FOR THE USE OF FORCE
EFFECTIVE DATE:	MARCH 1, 1997

- A. The guidelines for the proper use of force contained in this section are provided to assist each court employee in fulfilling his/her responsibility to be familiar with Article 35 of the New York State Penal Law. However, this is only a quick reference and is not the complete Article. Therefore, each employee shall periodically review the complete current Article 35.
- B. Article 35 of the New York State Penal Law (Defense of Justification) authorizes the use of force under certain circumstances; it does not command it. The decision to use physical force is your decision to make and you bear the responsibility for that decision.
- C. The defense of justification is not an affirmative defense; it is an ordinary defense. When the defense of justification (a defense defined by statute) is raised at trial, the prosecution has the burden of disproving it beyond a reasonable doubt. The following three concepts, if understood, will help explain the defense of justification.
1. There are three classifications of those who can use physical and/or deadly physical force:
 - (a) police officers;
 - (b) peace officers; and
 - (c) private persons.
 2. There are three classifications of "things" that can be protected:
 - (a) persons;
 - (b) real property (land, buildings and other things attached to them); and
 - (c) personal property (car, wallet, pets, rings, etc.).

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

3. There are four **TIME STAGES** when considering the use of force. You will always be in one of these **TIME STAGES**:

- (a) **PREVENT** --- keep it from occurring;
- (b) **TERMINATE** --- stop it in progress;
- (c) **ARREST** --- the illegal act has ended, you are taking the suspect into custody; and
- (d) **PREVENT ESCAPE FROM CUSTODY** --- after suspect is in custody, he/she attempts to get away.

4. **NECESSITY**

- (a) Is the use of force **NECESSARY**?
- (b) How much force is **NECESSARY**?

5. To apply the preceding concepts think:

- (a) **TIME STAGE** --- where am I
PREVENT / TERMINATE
or
ARREST / PREVENT ESCAPE;
- (b) **WHAT CRIME** --- reasonable cause to believe it has happened/is about to happen;
- (c) **NECESSITY** --- is force **NECESSARY** and how much is **NECESSARY**;
- (d) **SAFETY** --- will the force used endanger innocent people;

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

(e) **AMOUNT OF FORCE** -- physical force or deadly physical force;
and

(f) **TIME STAGE**
+
OFFENSE
+
NECESSITY
+
SAFETY = **AMOUNT OF FORCE.**

D. USE OF PHYSICAL FORCE - SPECIAL CASES

1. **LESSER OF TWO EVILS**
You can use physical force as an emergency measure when the result of the force will cause less injury than not using force (i.e., you push a person out of the path of an oncoming vehicle). (Sec. 35.05 (2)).
2. **PARENT**
Guardian, or other person entrusted with the care and supervision of a minor and a teacher or other person entrusted with the care of a minor for a special purpose, may use physical force when he/she reasonably believes it necessary to maintain discipline or promote the welfare of such minor. (Sec. 35.10 (1)).
3. **OFFICIAL OF**
Jail, prison, or correctional institution may use such physical force as authorized by the Correction Law when necessary to maintain order and discipline. (Sec. 35.10 (2)).
4. **PERSON**
Responsible for maintaining order on a common carrier may use physical force when he/she reasonably believes it necessary to maintain order. But he/she may use **DEADLY PHYSICAL FORCE** only if he/she reasonably believes it necessary to prevent death or serious injury. (Sec. 35.10 (3)).

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

5. **A PERSON**

Acting under the belief that another is about to commit suicide or inflict serious injury upon himself/herself may use physical force if he/she reasonably believes it necessary to prevent the death/serious injury. (Sec. 35.10 (4)).

6. **LICENSED PHYSICIAN**

Or person acting under his/her direction for the purpose of administering a recognized form of treatment with the consent of the patient, or his/her parent or guardian (in an emergency without consent), may use physical force. (Sec. 35.10 (5)).

7. **REQUIRED BY LAW**

Required or authorized by law or judicial decree or by a public servant in the reasonable exercise of his/her official power, duties or functions.

E. Anyone is justified in using physical force when he/she has reasonable cause to believe that it is necessary to prevent or terminate the following:

1. Physical force from being used against you (self defense) or another unless:
 - (a) you provoked the incident intending to injure another person; or
 - (b) you provoked the incident and subject defends---unless you withdraw and he/she keeps coming; or
 - (c) it's an agreement to fight unlawfully. (Trial by Combat) (Sec. 35.15).
2. Another from committing or attempting to commit a crime involving damage to a premises. (Sec. 35.20(1)).
3. Any trespass or attempt to trespass upon premises when in possession or control of such premises, or licensed or privileged to be there. (Sec. 35.20 (2)).
4. A larceny or criminal mischief to property other than premises. (Sec. 35.25).

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

- F. Police officers or peace officers may use physical force reasonably believed to be necessary to effect an arrest or prevent the escape from custody of a person when they have reasonable cause to believe that such person has committed any offense and they reasonably believe such physical force is necessary to defend themselves or a third party from what they reasonably believe to be the use or imminent use of physical force. (Sec. 35.30 (1)).
- G. Police officers and peace officers charged with guarding prisoners may use physical force when they have reasonable cause to believe it is necessary to prevent escape:
1. from a detention facility; or
 2. from custody while in transit to or from a detention facility. (Sec. 35.30(5)).
- H. **No-Sock Law ---** A person may not use physical force to resist any arrest, lawful or unlawful, which is being attempted by a police officer or peace officer when it would reasonably appear he/she is a police officer or peace officer. (Sec. 35.27).

I. JUSTIFICATION - USE OF DEADLY PHYSICAL FORCE

1. Anyone is justified in using deadly physical force when he/she has reasonable cause to believe that it is necessary to prevent or terminate:
 - (a). Deadly physical force from being used against himself/herself (self defense) or another person.
 - (1) Police officers or peace officers are not obligated to retreat.
 - (2) Civilians are not obligated to retreat if they are assisting a police officer or peace officer at his/her direction. (Sec. 35.15 (2) (a) (ii)).

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

(b) The following crimes (including attempts) (Secs. 35.15 (2) (b), (c), 35.20 (1)):

- (1) robbery;
- (2) burglary (of a dwelling or occupied building in possession of, or licensed and privileged to be there);
- (3) arson;
- (4) rape (forcible);
- (5) kidnaping; and
- (6) sodomy (forcible).

2. You are never justified in using deadly physical force for a larceny or criminal mischief, regardless of the value of the property involved. (Sec. 35.25).

3. **REMEMBER:** For Prevent/Terminate this key word:

- **DR.** **BARKS** -

D = Defend against Deadly Physical Force	B = Burglary
	A = Arson
R = Robbery	R = Rape (forcible)
	K = Kidnaping
	S = Sodomy (forcible)

4. Private persons can use deadly physical force to arrest a person or prevent escape of such person from custody only when:

(a) Such a person has committed the following crimes, but only when the crime has in fact taken place, and only in immediate flight therefrom. (There is no room for error.)

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

Key Word = Mr. & Mrs.

M = Murder
R = Robbery
M = Manslaughter 1st Degree
R = Rape (forcible)
S = Sodomy (forcible)

- (b) Or, to defend himself/herself or a third party from what he/she reasonably believes to be the use of or imminent use of deadly physical force.
 - (c) When directed by a police officer or a peace officer to use deadly physical force and he/she has no knowledge that such force is not authorized. (Sec. 35.30).
5. Police officers and peace officers are justified in using deadly physical force to arrest or prevent escape from custody when they have reasonable cause to believe:
- (a) Such person has committed or attempted to commit a felony involving the use of physical force, attempted physical force, or threatened imminent use of physical force against a person. (Force felony) (Sec. 35.30 (1) (a)).
 - (b) Such person has committed or attempts to commit:

B = Burglary 1st Degree

A = Arson

K = Kidnaping

E = Escape 1st Degree

Key Word - BAKE

SUB SECTION: 2.20 (Continued)
TITLE: GUIDELINES FOR THE USE OF FORCE

- (c) Such person has committed or attempts to commit any felony and in the course of resisting arrest, or attempting to escape, is armed with a firearm or deadly weapon. (Sec. 35.30 (1) (b)).
- (d) Such person has committed or attempts to commit any offense, and deadly physical force is necessary to protect you or a third party from what you believe to be the use or imminent use of deadly physical force. (Sec. 35.30 (1)(c)).
- (e) The justification for the use of deadly physical force does not excuse you from potential civil/criminal liability with respect to an innocent bystander for reckless conduct in the use of such force. (Sec. 35.30 (2)).
- (f) The United States Supreme Court Case - *Tennessee vs. Garner*, 471 U.S. 1 (1985) - prohibits deadly physical force from being used to effect the arrest or prevent the escape from custody of a fleeing felon who is unarmed and not dangerous.