



## The Science of Training

with [David Blake](#)

# Police warning shots: A consensus lacking agreement

There are a lengthy list of reasons why warning shots are a bad idea, but there are also some situations where it could be a reasonable alternative to deadly force

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The IACP recently published a [National Consensus Policy on Use of Force](#), calling it a “collaborative effort among 11 of the most significant law enforcement leadership and labor organization in the United States.” The consensus policy is listed as intending to serve as a template for comparison and enhancement of existing policy. The 11 participating entities include recognizable alphabet soups such as NOBLE, CALEA, NTOA and NAPO. The policy stayed away from some of more controversial PERF recommendations, but still raised a few eyebrows in allowing warning shots.

Specifically, the consensus states, “Warning shots are inherently dangerous. Therefore, a warning shot must have a defined target and shall not be fired unless, (1) the use of deadly force is justified; (2) the warning shot will not pose a substantial risk of injury or death to the officer or others; and (3) the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.”

I've been part of quite a few discussions on this subject, and I can't say I'm against warning shots, which has resulted in some criticism. I can come up with a lengthy list of reasons why warning shots are a bad idea, but I can also come up with some situations where it could be a reasonable alternative to deadly force. What I really wanted to know is how the consensus came about, so I reached out to each of the 11 entities and asked them. After waiting a week, I received one vague response by the International Association of Directors of Law Enforcement Standards and Training. That response stated the consensus entities engaged in a significant amount of discussion on warning shots and that

although the majority did not initially agree, "...the minority presented a very compelling argument for allowing agency discretion..."



Contrary to popular belief, not all deadly force situations are split-second decisions. (Photo/Pixabay)

## **LAW ENFORCEMENT FEEDBACK**

Without a clear answer from the consensus entities, I developed a short survey and distributed it to law enforcement via social media. The following results were garnered from 270 law enforcement personnel from across the country:

1. 80 percent of the respondents did not agree with the authorization of warning shots.
2. 85 percent of respondents stated they did not believe it was feasible to fire a warning shot into the ground and then re-engage (center mass) a suspect approaching from 25 feet away.
3. 85 percent of respondents stated a warning shot would not be a reasonable alternative if two men were facing off with baseball bats and it appeared as if one was ready to hit the other with his bat.
4. 79 percent of the respondents stated that a warning shot would not be feasible (prior to re-engaging center mass) for a fleeing felon armed with a knife and running away from them.
5. 80 percent of respondents stated they would not use warning shots even if they were authorized in other than deadly force situations.
6. 78 percent said there were no scenarios they could think of in which a warning shot would be reasonably feasible.

Respondents were asked their main arguments for and against warning shots. The recurring themes for each are presented in the table below:

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### **For Warning Shots**

One more tool in the toolbox

### **Against Warning Shots**

Danger to others (stray bullets, fragmentation)

May cause suspect to surrender

Liability concerns

A few reported using warning shots with success

Public expectation for warning shots

No data

No research on effectiveness

## FEASIBILITY OF WARNING SHOTS

As a human performance trainer and firearms instructor, I have serious reservations about warning shots. Deadly force situations are generally tense, uncertain and rapidly evolving which indicates stress and a lot of moving parts. Stress can create problems in judgment and decision making as well as deficits in motor skills. The ability to analytically arrive at a warning shot decision under force response stress conditions is difficult as a standalone. Add the need to find and fire that shot in a safe area while also paying attention to a suspect who is threatening the life of an officer or another, and it's not rational.

However, contrary to popular belief, not all deadly force situations are split-second decisions, and there may be a situation where a warning shot is doable under the totality of the circumstances. For instance, consider a fleeing violent felon who meets the criteria of deadly force (*Tennessee v. Garner*). We can ascertain that a warning shot could be given in this type of instance, when feasible. If that feasibility exists, could part of that warning be inclusive of a shot fired into the ground?

There is at least [one study](#) that reviewed the feasibility of warning shots, and the findings indicate they have been successful in a number of police/suspect and civilian/suspect situations. Also, let's not forget that some police departments (e.g. [San Jose PD, California](#)) across the country have and continue to allow warning shots, indicating it is not the problem some in law enforcement assess it to be.

In conclusion, there are a few points that require clarity. The National Consensus Policy on Use of Force isn't a recommendation for warning shots, although I do understand how it may be perceived that way. The report simply shows that 11 national organizations have agreed on its contents as a standard.

Having said that, my recommendation is to seriously consider under what hypothetical situations warning shots might be used and to test those situations using reality-based training. Consider the whole concept in a risk versus. gain manner and implement only items which have been tested, trained, and proven effective.

Bottom line, I don't care what "x," says, I care what "x" can prove – and so should you when your safety is on the line.

Be safe and vigilant!

## About the author

David Blake is a retired California peace officer and certified Ca-POST instructor in DT, firearms, force options simulator and reality-based training. His experience includes SWAT, force option unit, field training, gangs/narcotics and patrol. He is a certified Force Science Analyst and teaches the Ca-POST certified courses entitled Force Encounters Analysis and Human Factors: Threat & Error Management for the California Training Institute. He also facilitates the Ca-POST Force Options Simulator training to tenured officers from multiple jurisdictions. Dave is an expert witness/consultant in human performance and use of force.

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