



# Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved May 16, 2008**

**2.13**

**Council Personnel**

**Use of Deadly Force**

1. Authority.

This policy implements the requirements of P.O.S.T. Rule 464-5-.03.1 and applies to Council investigators and any Council attorneys authorized to carry a firearm in performance of official duty pursuant to O.C.G.A. § 16-11-130(a)(5).

2. Policy.

The Prosecuting Attorneys' Council of Georgia is an agency within the Judicial Branch of State Government and not a law enforcement agency. Council personnel will not make arrests or otherwise be involved in the apprehension of criminals except when the failure to act may reasonably be expected to result in death or serious bodily injury.

3. Discharging Firearms.

Firearms shall not be discharged except under the circumstances as articulated in O.C.G.A. §§17-4-20(b) and/or O.C.G.A. 16-3-21 or for official training purposes.

4. Unholstering Firearms. Firearms shall not be drawn from the holster except:

- (a) When the employee perceives a threat sufficient and necessary, and permitted under the laws of this state.
- (b) For proper maintenance, inspection or storage of the firearm in which case:
  - (1) the firearm will be immediately unloaded, and
  - (2) the firearm will not be pointed in the direction of any person.
- (c) For authorized training purposes on an approved range.

5. Reporting Firearm Discharges.

In every instance in which an employee discharges a firearm, even though no one is struck, an official written report will be submitted to the Executive Director. This will include any discharge of a firearm in the line of duty, any accidental discharge of a firearm, or discharges



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of firearms which do not involve official business and/or occur during other than normal duty hours. The only exception is target practice on approved ranges.

6. Investigations.

- (a) In every case of discharge of a firearm in which a person is shot, an official investigation and written report will be made. Personnel assigned by the Executive Director will conduct the investigation, and the results of the investigation will be made available to the appropriate authorities.
- (b) When the facts immediately available clearly indicate that a member of the staff is guilty of misconduct, negligence, carelessness or dereliction of duty regarding the use of firearms, the employee shall be suspended from duty pending completion of the investigation.

7. Disciplinary Action. Employees will be subject to discipline, up to and including dismissal, if his/her use of a firearm involves:

- (a) Violation of the Law;
- (b) Violation of firearms policies, procedures and/or rules;
- (c) Poor judgment involving wanton disregard for public safety;
- (d) Accidental discharge of a firearm through carelessness or horseplay; or
- (e) Misconduct including consumption of alcoholic beverages, use of illicit drugs, unjustified display of authority, disregard of duty, use of official authority for personal advantage or other clear misconduct which involves a firearm.



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8. Employee Certification.

I, \_\_\_\_\_, have read and received a copy of Council Policy 2.13 and clearly understand each section. The Executive Director or his designee has answered all questions I had concerning the policies, procedures, and rules set forth therein. I agree to abide by this directive while employed with the Prosecuting Attorneys' Council of Georgia.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date