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Be Advised...

# Why warning shots are a terrible idea

When a subject poses an imminent threat deadly force is the most appropriate action to take

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When the International Association of Chiefs of Police (and roughly a dozen other police organizations) released their "[National Consensus Policy On Use Of Force](#)" earlier this year, there was widespread reaction among police trainers and line-level officers that some of the recommendations were unrealistic.

One recommendation has been getting a lot of [media attention recently](#): "Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury."

The report recommends that a warning shot "must have a defined target" and shall not be fired unless:

- the use of deadly force is justified;
- the warning shot will not pose a substantial risk of injury or death to the officer or others; and



Implementing policy that allows officers to fire “warning shots” in deadly-force situations is not only wrongheaded but potentially dangerous. (Photo/PoliceOne)

- the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.

### 3 REMINDERS ABOUT WARNING SHOTS

There’s a lot to digest in those three bullet points (pun intended), so let’s take these items one at a time (and in reverse order).

#### 1. Warning shots probably won’t even work

The IACP’s third stipulation is that an officer reasonably believes that a warning shot will reduce the likelihood of deadly force being used. I can see the officer on the witness stand now: “Yes, your Honor, I sincerely believed that uncorking a round into that nearby brick wall would stop that armed

felon in his tracks, and that he would peaceably surrender to me. In my training and experience, that’s what tends to happen.”

The most likely thing a fleeing subject will do following a warning shot is run faster. That, or shoot back first. In either case, bad things are likely to happen.

#### 2. Any bullet leaving a muzzle poses a threat

On the matter of a warning shot not posing “a substantial risk of injury or death,” in a dynamic, rapidly unfolding, high-stress, deadly-threat situation there is not time to survey the area and wonder, “What is in my immediate area that I can shoot (‘a defined target’ as stated by the consensus policy) which will not cause any injury?”

Recall that the second basic rule of firearms handling is “never point a gun at anything you are unwilling to lose forever” so that eliminates a whole host of environmental targets — actually, that takes away all of them.

So, that gives us the ground and the sky. A shot fired directly into the ground has a high probability of sending bullet fragments in all sorts of directions (including the cop’s ankles), and a bullet fired into the air will eventually return to earth, either at terminal velocity or with the rifling spin intact and at a much higher rate of speed.

Warning shots also fly in the face of another basic tenant: Officers are responsible for every round

they shoot. This opens the door for the following: "I didn't miss him, Sarge. Those were warning shots."

### **3. Warning shots muddy the waters of case law**

Finally, according to *Graham v. Connor*, the use of deadly force is justified when an officer reasonably believes that a subject poses a threat of death or great bodily harm (either to the officer or to others), and as stated in *Tennessee v. Garner*, a warning of any kind may only be given "where feasible." That warning is by no means required, and "where feasible" a warning should be made verbally, not with a gun. If "Stop or I'll shoot" doesn't work, who in their right mind truly believes that "Bang!" is going to have the intended effect without some other unintended consequence also happening.

In a deadly-threat scenario, an officer should not be pointing their weapon at anything but the threat. In order to institute such a policy would require that police trainers (and policy makers) to ignore the well-known established case law from *Graham* and *Garner*.

### **WHY EVEN MAKE SUCH A PROPOSAL?**

In the five-page document there are a number of well-reasoned and well intentioned suggestions — passages such as "officers shall receive training, at least annually, on this agency's use-of-force policy and related legal updates" and "deadly force should not be used against persons whose actions are a threat only to themselves or property" make logical sense — but one is left to wonder what led this group of police organizations to include and possibly advocate for warning shots.

I don't believe I'm alone in the suspicion that for at least some of the people at the table writing this policy, the move was politically motivated. I can envision a future in which the first question from the press gaggle on the department front steps will be "Why did your officer not fire any warning shots? Why did he just shoot the subject first thing?"

Here's the problem: The court of public opinion will then base their verdict not on the answer, but on the question, and for the vast majority of the uneducated masses, the officer will be declared guilty and his actions second-guessed ad nauseam.

But the chief will be off the hook.

Furthermore, giving cops the option to fire a warning shot is inevitably going to create the expectation among certain members of the press, the public, and the political class that a warning shot should be fired in all confrontations between cops and dangerous subjects.

The profession already has to deal with the Hollywood-influenced opinions of people who want cops to shoot at a subject's extremities ("shooting to wound") rather than aiming for center mass. Suddenly adding this other piece of fiction to the conversation around police use of force does nothing to help educate people about the challenges of police work — in fact, it does the opposite.

## CONCLUSION

Implementing policy that allows officers to fire "warning shots" in deadly-force situations is not only wrongheaded but potentially dangerous. When a subject poses an imminent threat of death or GBH, deadly force is justified, and deadly force is the most appropriate action to be taken.

Can de-escalation be employed? By all means yes, as long as the officer and innocents remain safe from harm. Can officers seek to employ "time and distance" whenever possible? Certainly, as long as it makes sense tactically and does not open up new targets of opportunity for the deadly threat.

As [I've written before](#), when it's time to shoot, shoot! Aiming at anything other than center mass is misguided.

I'm all for giving cops more options than less — more tools than less — to resolve situations and complete their myriad missions on the street. So to one extent, reversing their recommendation that departments ban the practice makes some sense (at least officers are not going to get disciplined for trying this tactic), but to go further and actually suggest that the practice be widely adopted — while issuing little guidance on precisely how it would be trained, and zero evidence on how the matter was studied and tested — is a flawed strategy.

## About the author

Doug Wyllie provides police training content on a wide range of topics and trends affecting the law enforcement community through PoliceOne's [Policing Matters](#) podcast.

Doug is the 2014 Western Publishing Association "Maggie Award" winner for Best Regularly Featured Digital Edition Column, and has authored more than 1,000 articles and tactical tips. Doug is a member of International Law Enforcement Educators and Trainers Association (ILEETA), an Associate Member of the California Peace Officers' Association (CPOA), and a member of the Public Safety Writers Association (PSWA).

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