

Student Firearms Study Guide



Pennsylvania Act 49 Course

PUBLICATION PAGE

Title	Act 49 Student Firearms Study Guide
Category	Firearms
Publisher	Penn State Fayette, The Eberly Campus
Completion Date	September 2018
Entered into Service	January 2019
Page Count	14

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CHANGES

Version 1.0, September 2018

First Release of this document

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SAFETY

Every year many people are injured and killed by careless handling of firearms. With modern duty weapons, barring mechanical failure, there are no “accidental” discharges. Unintended or unwanted discharges occur because the user did not follow basic safety procedures or disregarded fundamental safety rules. Do not let familiarity with your weapon make you complacent. If you follow the safety rules **every time** you will never have an unintended discharge.

The Four General Safety Rules

The following rules apply to any firearm, whether it is a pistol, a revolver, or a long gun:

1. **All firearms are always loaded. No exceptions.** Do not “pretend” that this is true; be deadly serious about it.
2. **Never point a firearm at anything that you are not willing to destroy.**
3. **Keep your finger off the trigger until your sights are on the target and you have made the conscious decision to fire.** You cannot line up any faster than you can position your finger, and there is no need to fire an unaligned weapon.
4. **Be sure of your target and what is beyond it.** Know what your target is, what is in line with it, what is beside it, and what is behind it. Never shoot at anything that you have not positively identified.

Assume all guns are always loaded. If you follow this rule, even when you believe that a weapon is empty, you will be building good weapon-handling habits. You will keep the weapon pointed in a safe direction and will keep your finger off the trigger. If you handle all guns in the same way every time—whether loaded or unloaded—you will be less likely to make a mistake with a loaded gun. Even if you *know* that the weapon is empty, treat it as a loaded gun. It does no harm, and it may save a life. More than one officer has removed the magazine containing ammunition from a pistol and forgotten that there may be one more round of ammunition in the chamber of the gun.

Never point a firearm at anything that you are not willing to destroy. This rule accomplishes two things: it builds good habits and prevents injury if you do have an unintended discharge. Imagine a laser beam coming out of the barrel of your weapon; never let that laser touch anything—even for a moment—that you aren’t willing to destroy. If you follow this rule faithfully, you will build a strong habit that will function even when you are under great stress and unable to think things through. As you will learn, stress causes blood and oxygen to move away from the cognitive part of your brain, with the result that it literally becomes difficult or impossible to think.

Keep your finger off the trigger and outside the trigger guard until your sights are on target and you have made the conscious decision to fire. This rule prevents you from unintentionally firing because you were startled or had a sympathetic reaction. Suppose that you are covering an open door of a house while fellow constables clear the interior looking for the subject of a criminal warrant. A sudden noise or someone bursting out the door may startle you and cause an involuntary tensing of your muscles. If you have your finger on the trigger, that tensing may be enough to fire the weapon. Similarly, if you use your reaction hand to turn on a flashlight or key your radio microphone, you may have a sympathetic involuntary movement of your gun hand. If your finger is on the trigger, it could cause you to fire. Keep your index finger extended along the frame of the weapon until your sights are on target and you have made the conscious decision to fire. It takes very little time to move your finger to the trigger.

Be sure of your target. This rule addresses two issues: bullet penetration and tunnel vision. Bullets may travel right through a target and strike something behind it. Even bullets that are designed to expand upon impact, lessening the chance of over-penetration, may fail to expand for various reasons. You cannot be sure that your bullet will be stopped by the target. Additionally,

you may miss, especially under stress. Stress will often have the effect of narrowing your visual field as you concentrate on the threat. Making a habit of checking what is around and beyond your target may keep you from shooting something that, because of stress, you literally did not see.

Storage

Where the Handgun Should and Should Not Be

Whether at the range, in your residence, or working on the street, some basic guidelines can work to your advantage to keep yourselves, your family, your fellow constables, and the public safer and at the same time equip you for a more efficient response to a deadly force confrontation. Make it a habit! The following are examples of proven guidelines focusing on where the handgun should and should not be.

Where the Handgun Should NOT Be

Unsecured

No firearm should ever be left unattended or unsecured for any reason. Responsible gun ownership dictates that reasonable safeguards are always taken to keep the weapon from falling into the wrong hands, regardless of the age of people in the area.

Dangling

The handgun should never be held in the hand in a relaxed, casual manner. If you cannot articulate a reason why the weapon should be in hand, then it should be left secured in the holster. If there is a reason to have the weapon in hand, then it should be in a ready position allowing efficient response to a threat. When the handgun is allowed to dangle at your side, it can easily be pointed at your leg or foot and is in a poor position for weapon retention.

Brandishing

This is a term used to describe the sloppy, unprofessional manner in which a handgun is sometimes used as a pointer or to add emphasis to gestures.

Hollywood Ready

This position was developed by Hollywood filmmakers to allow the handgun to be in the same frame as the face of the hero or villain in a close-up. When the handgun is next to the face it obscures your peripheral view to the strong side. Additionally, response to a deadly threat is much slower and less accurate from this starting position.

Where the Handgun Should Be

Stored

Unless one can articulate an immediate need for the firearm to be elsewhere, it should be secured in a holster, gun case, cabinet, or safe. This would place it out of the control of unauthorized hands and keep it readily available when you need it. As you consider your home situation when making decisions as to storage and accessibility, remember that, if you do not have children in the house at this time; that might not always be the case. Provisions must also be in place to protect the weapon and prevent any visitors (including authorized repairmen as well as unauthorized burglars) from having access to it.

Safe Storage of Weapons

Having a secure place to store the firearm when not in use is very important. Few criminals use firearms registered or licensed in their names to commit violent crimes. They steal them. It is equally important to keep firearms out of the hands of children. Tragedies resulting in the death and maiming of children are all too common. No matter what you do, there is no way of turning back the clock if such an incident does occur, so every step must be taken to prevent it from happening.

Remember that firearms security is a tradeoff and that an individual's personal situation will dictate the level of security that they choose to employ. The more secure the firearm, the longer it takes to acquire the firearm when needed and the less secure the firearm, the greater the chance that the firearm ends up in the hands of someone other than the constable. As an example, a single constable living alone will have different security needs than a constable living with a partner and/or children. When considering security, use your personal situation as a guide and remember that as circumstances change, so do your security requirements.

Ideally there is really only one proper place for a firearm when not in use, and that is locked away in a properly constructed firearms cabinet or theft-resistant safe, preferably secured to the floor or wall. There are a number of reasonably priced firearms safes and boxes as well as special locks that prevent the firearms from being fired. Of course, the security of the key to the safe or cabinet is equally important. The key should not be left in those "secret" hiding places known to everyone.

A cupboard, unless it has been specially strengthened, is not a good place to store firearms, as most cupboards can be broken open, often in a matter of minutes. As to the advisability of storing loaded firearms, they should be kept in this condition only if there is a strong possibility that they may have to be used in a hurry. If not, keep them unloaded so that, if they do fall into the wrong hands, the chances of an accident are very much reduced.

Storing firearms under a pillow or on a nightstand is not encouraged. There have been many tragic instances where a person is awoken, grabs the firearm and fires before being fully awake enough to realize that they have the firearm in their hands.

Do not leave firearms in glove compartments or in the passenger compartment of motor vehicles. Cars and trucks are relatively easy to break into in a very short time and are far from secure. If the gun must be temporarily left in a vehicle for any reason, lock it in the trunk (if so equipped), but remember this is temporary because cars can be stolen as well.

To prevent firearm-related accidents at home, practice the following precautions:

- **Store firearms unloaded and locked up.** At the very least, use a trigger lock or cable lock to make the weapon unusable. Keep the key on your person or in a safe place where children cannot get it.
- **Store ammunition locked up and away from the weapon.** In that way, even if an unauthorized person gains access to the weapon, it is not immediately usable.
- **Store your weapon uncocked and uncased.** Leaving a weapon cocked can, over time, weaken the firing pin spring. Casing or wrapping a weapon tends to trap moisture and can lead to rust. If you intend to store the weapon for more than a few days, wipe it down with a lightly oiled cloth. Be sure to wipe off excess oil—only a very thin coat is needed.
- **Educate responsible adults in your home.** Other responsible adults in your home should know where your weapon is kept, that it should always be treated as loaded (even

if it is stored unloaded), and why it must be kept secure. Individual constables may or may not choose to give their family members more information. However, information about where firearms and ammunition are stored should not be shared with neighbors or other acquaintances.

Control of a Firearm in Restrooms

Although the question of what to do with your firearm while you use the restroom is a delicate subject, it must be addressed. We have all heard about firearms discharging accidentally or through negligence while the owner was using the restroom facilities. The results can be disastrous, such as the death of a child sleeping in the next room or apartment. We have also heard about firearms being stolen from police officers who were careless under these circumstances.

By leaving the handgun holstered, any of the following three methods will prevent a theft or accidental/negligent discharge of a firearm.

- Place the handgun and holster between your feet
- Place the handgun and holster in your underwear
- Sling the belt, holster, and firearm over your shoulder

PISTOL MALFUNCTIONS

Weapons, like any mechanical device, can malfunction on occasion. Most semi-automatic pistol malfunctions can be prevented by properly maintaining your weapon and practicing proper shooting fundamentals. Constables should consider having their weapon inspected by a qualified armorer on an annual basis to ensure all mechanical parts are in good working order. Clearing malfunctions during a gunfight should be done while moving to cover or from behind cover. Standing your ground and manipulating your weapon while taking fire in the open is not recommended. Regardless of which type of malfunction, move as you are clearing the malfunction. If you are a revolver shooter, to clear the malfunction you pull the trigger, again as you are moving.

As you have learned, the firing cycle of the semi-automatic pistol is comprised of four actions:

1. The first round must be *fired*.
2. The empty casing must be *extracted* from the chamber.
3. The empty casing must be *ejected* from the weapon.
4. The next round must be *fed* into the chamber.

If any of these actions fails to occur, the firing cycle is interrupted, and the function is compromised.

- A malfunction is defined as an unexpected interruption in the firing sequence that can be quickly corrected by the shooter.
- A jam or breakage requires the services of an armorer.
- For each type of malfunction two techniques are presented to clear the malfunction.
- Techniques:
 - TAP, ROLL, RACK, ASSESS, GO
 - LOCK, RIP, RUN, RELOAD

Clearing Malfunctions

A “jam” requires a hammer or a gunsmith to repair. Your weapon has just stopped working and you need to get it running again. Your **immediate action** should be to TAP the magazine, ROLL the gun slightly to the right so gravity works with you, and RACK the slide. This method should remedy the following stoppages:

1. No round in chamber
2. Misfire (bad ammunition)
3. Magazine not fully seated
4. Stove pipe (failure to eject)

If this immediate action does not remedy your problem, your **secondary action** is to LOCK the slide to the rear, RIP the magazine out, RUN the slide several times, and RELOAD with a fresh magazine.

Squib Round

- This usually occurs when there is an insufficient powder charge in the cartridge case or when the cartridge is otherwise improperly assembled
- A squib round occurs when the hammer falls and the round goes off, but makes only a “popping” sound. There will be noticeably less recoil felt
- If this happens, STOP FIRING IMMEDIATELY. A squib round generally leaves a bullet obstructing the barrel, and it must be cleared before firing again
- Take cover if you have not already done so
- Transition to another firearm, or
- Disengage

REDUCED LIGHT

Research shows that a large percentage of police-involved shootings occur in conditions of reduced light or darkness. In most cases, there will be enough available light for you to meet your target requirements and accurately aim your weapon. In dim light conditions, you will simply use the techniques and training that you have already learned.

In some situations, you may already have your flashlight in your support hand, or it may be so dark that you cannot acquire, identify, and isolate your target without a flashlight. You must be able to locate your target accurately—if you know only an approximate location, you are likely to miss, and the muzzle flash from your weapon will identify your position. Using your flashlight, while it also will give away your location, may enable you to shoot accurately, hitting your target. Whether to use your flashlight depends on your tactical evaluation of the particular situation. Ask yourself if the advantage that the flashlight will give you in locating your target is greater than the drawback of helping your adversary locate you.

The Eye and Vision

In any study or training where light is a factor, consideration must be given to the eye and the seeing process.

Natural Night Vision

Night vision is the sensitizing of photo receptor cells for darkness. This sensitivity requires 30 to 60 minutes in a dark environment. During this time chemicals will accumulate in your eyes, boosting light sensitivity 10,000 to 100,000 times. Exposure to light bleaches these chemicals, requiring time for your eye to readjust.

In general, when looking straight forward, you see:

- 90 degrees to each side (180-degree peripheral vision)
- 60 degrees to the inside (depth perception)
- 70 degrees downward
- 50 degrees upward

The eyes' adjustment times:

- To adapt from bright light to very dark: 30 minutes on average
- To adapt from very dark to bright light: 3 minutes on average

Effects of stress on vision: when you experience the involuntary adrenaline dump, the first part of your body to be affected will be your eyes

- Pupils dilate to the maximum possible amount
- Both eyes will be wide open ("lid lift")
- The eyes' lenses flatten through ciliary muscle contraction
- Eye focus is usually on the object of attack

What happens to your vision in the dark? In less than 10 foot-candles of ambient light, you will lose the ability to:

- Distinguish colors
- Accurately estimate distances (depth perception)
- See detail (20/20 vision degrades to 20/300 or worse—you are the equivalent of legally blind)

What do you need to make positive threat identification? The very things that you lose under reduced light conditions:

- Detail vision (what's in the hands)
- Depth perception (how far away the threat is)
- Color (subject/suspect description)

USE OF FORCE

Graham v. Connor, 490 U.S. 386, 109 S. Ct. 1865 (1989)

Description of incident: *On November 12, 1984, Graham, a diabetic, felt the onset of an insulin reaction. He asked a friend to drive him to a nearby convenience store so he could purchase some orange juice to counteract the reaction. When Graham entered the store, he saw a number of people ahead of him in the checkout line. Concerned about the delay, he hurried out of the store and asked to be driven to a friend's house instead. Connor saw Graham hastily enter and leave the store. Connor became suspicious and performed an investigative stop of the vehicle.*

Although Connor was told by the driver that Graham was suffering from a "sugar reaction," the officer ordered Graham to wait while he found out what, if anything, had happened at the convenience store. When Officer Connor returned to his patrol car to call for backup assistance, Graham got out of the car, ran around it twice, and sat down on the curb, where he passed out briefly. A number of other police officers arrived in response to Officer Connor's request for backup. One of the officers rolled Graham over on the sidewalk and cuffed his hands tightly behind his back, ignoring his friend's pleas to get him some sugar. Graham regained consciousness and asked the officers to check his diabetic card in his wallet. One officer told him to "shut up" and

banged his head on the hood of the car. Four officers then lifted Graham up from behind and threw him head first into the police car. A friend of Graham's brought some orange juice to the car, but the officers refused to let him have it. Finally, Officer Connor received a report that Graham had done nothing wrong at the convenience store, and the officers drove him home and released him. Graham had sustained a broken foot, cuts on his wrists, a bruised forehead, and injured shoulder and permanent loud ringing in the right ear. He sued the officers under Title 42 section 1983 alleging excessive force.

Key Points:

- The right to make an arrest necessarily carries with it the right to use some degree of physical coercion or the threat thereof to effect it.
- The reasonableness standard makes allowance for the fact that officers are often forced to make split-second judgments about the amount of force necessary in tense, uncertain, and rapidly evolving circumstances.
- Officers' actions are not measured against underlying motive or intent.
- Reasonableness must be judged from the perspective of the "reasonable officer" at the scene.
- Reasonableness is not based on 20/20 hindsight.

The Graham Test:

The main test of any law enforcement use of force rests on the totality of the facts known or apparent to the officer at the time of the application of force. Within the totality of the facts, objective reasonableness rests upon four major factors:

- The severity of the crime at hand
- The immediate threat of the suspect to the safety of the officer or public (the most important factor)
- The officer's reasonable perception of the suspect's active resistance to arrest
- Attempts to evade the arrest by flight

Tennessee v. Garner, 471 U.S. 1, 105 S.Ct. 1694 (1985)

This case gives clarification of use of force on fleeing felons. At the time of the incident, Tennessee law allowed officers to use deadly force on any fleeing felon. The Supreme Court stated the law as it was written is unconstitutional. The case changed how we use force on fleeing felons.

Description of Incident: *At about 10:45 p.m. on October 3, 1974, police officers were dispatched to investigate a "proowler inside call." Upon arriving at the scene, the officers observed a neighbor standing on her porch and pointing to an adjacent house. She told them that she had heard glass breaking and that "they" or "someone" was breaking in next door. While one officer radioed the dispatcher, the second officer went behind the house. He heard a door slam and saw someone run across the backyard. The suspect stopped at a six-foot-high chain link fence. Using a flashlight, the officer was able to see his face and hands. The officer did not see a weapon and stated that he was "reasonably sure" though not certain and "figured" that the suspect was unarmed. The suspect appeared to be about 17 or 18 years old and 5'5" or 5'7" tall. (In fact the 15-year-old Garner was 5'4" tall and weighed between 100 and 110 lbs.) The officer called out to him, "Police, halt," and took a few steps toward him as the suspect crouched at the base of the fence. The suspect then began to climb over the fence. Convinced that if Garner made it over the fence he would escape, the officer shot him, hitting him in the back of his head. The defendant later died at the hospital. At that time the officer was acting according to his departmental policy*

and the state statute governing use of force, which allowed the use of all means necessary to effect the arrest of a fleeing felon.

Holding of the Court:

- A police officer may arrest a person if the officer has probable cause to believe that person committed a crime.
- Apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement.
- Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so.
- A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.

Key Points:

- The Fourth Amendment requires that the use of deadly force be objectively reasonable.
- Deadly force may not be used to effectuate an arrest unless it is necessary to prevent escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others, if not arrested.
- While a warning is not required, if tactically possible an officer should give warning prior to the use of deadly force. Whether or not a warning is given prior to the use of force is a factor to be considered in determining the reasonableness of the officer's actions.
- Five significant components in assessing the appropriateness of the level of force used:
 - Only the facts known to the officer at the time of the incident are used. A reasonable mistake of fact (such as whether or not a suspect is armed) will not defeat a finding that the use of force was lawful. Example: a suspect wielding a gun which turns out to be a plastic toy (and therefore, not a threat) can still be subjected to the use of deadly force so long as the gun reasonably appears to be a real weapon.
 - The type of crime involved is a factor (extreme violence or threatened violence). The nature of the crime must be one of a forcible felony.
 - The threat of a further violent criminal act if the subject is not arrested immediately.
 - The suspect does not have to be armed. (Is there reason to believe that he could kill with his bare hands? Could he access a weapon if he escaped?)
 - A warning to stop, if possible, should be given. (This should not be confused with warning shots.)

The *Garner* Test:

1. Is this a crime of extreme violence?
2. What is the danger if the subject escapes?
3. If possible, is there time for a warning?

Justification of the Use of Force

Constables may use deadly force only when **necessary**, that is, when the constable has a **reasonable belief** that the subject of such force poses an **imminent danger** of **death or serious physical injury** to the constable or another person.

Necessary: No other reasonable alternative is available to you. All other available means of preventing imminent and grave danger to you or other persons have failed or would be

likely to fail. There is no safe alternative to using deadly force, and without it, you or others would face imminent and grave danger of death or serious physical injury.

A constable is not required to place him or herself, another constable, a suspect or the public in unreasonable danger of death or serious physical injury before using deadly force.

Reasonable Belief: Probable cause or reason to believe that facts and circumstances, including inferences drawn by the constable when deadly force is used, would cause a reasonable officer to believe that the point at issue is probably true. The reasonable belief or decision must be viewed from the perspective of the constable on the scene, who may often be forced to make split second decisions in circumstances that are tense, unpredictable and rapidly evolving. Reasonable belief is not to be viewed from the calm vantage point of hindsight. Included in the totality of circumstances used to determine reasonable belief are ability/capability, opportunity, and intent, which are discussed below.

Imminent Danger: The FBI classifies imminent danger as an action pending. An uninterrupted course of events is going to lead to a specific end result. There must exist a perceived threat to the officer. Just because someone has a weapon, doesn't mean that they are a threat.

Death or Serious Physical Injury: The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to officers or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without it the constable or others would face imminent and grave danger.

The constable's decision whether to use deadly force is also guided by meeting the requirements of what may be called the "Jeopardy Triangle." The three sides making up the triangle are ability/capability, opportunity, and intent. The justification of the use of force is the summation of these concepts, which are the cornerstones of the totality of circumstances. We will review each of these in turn.

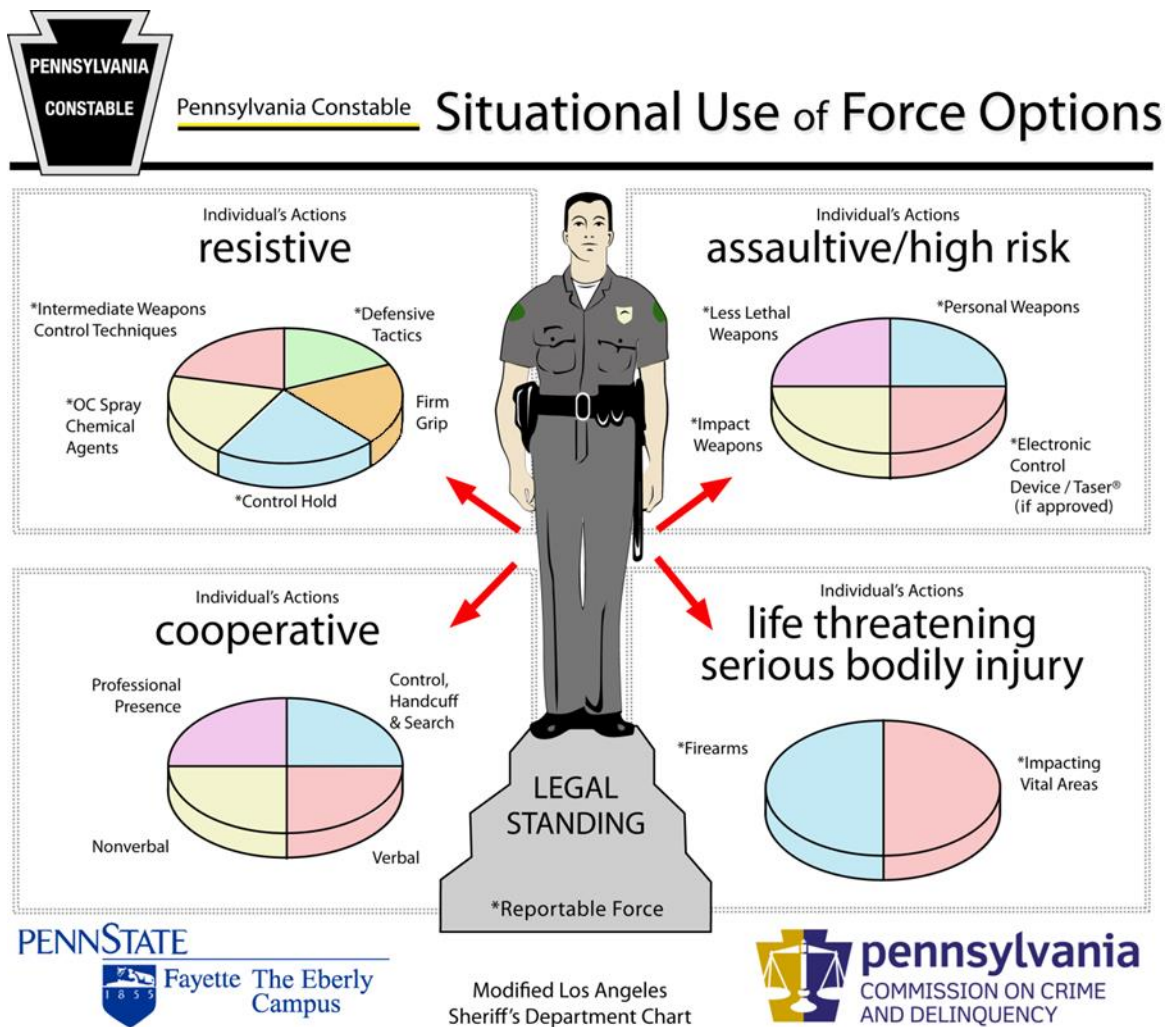
1. **Ability/Capability** addresses the subject's ability or capability to carry out a threat he/she has insinuated. The suspect must have the ability to inflict serious bodily harm or death. This ability must be depicted by a deadly weapon (gun, knife, etc.) or the person's overwhelming physical advantage (size, fighting skills, [karate, boxing, etc.]).
2. **Opportunity** indicates that the threat perceived by the officer is imminent, but not necessarily instantaneous. The suspect must be in a position in which the suspect can use his/her ability to threaten human life, i.e., a person threatening to kill a constable with a baseball bat stands 50 feet away. Although this suspect has the ability, because of the distance he/she is from the constable, there is no opportunity.
3. **Intent** can be expressed or implied by the initiation of an overt act in the furtherance of the threat or action. The suspect must demonstrate, through words and/or deeds that the suspect intends to inflict serious physical injury or death of the constable or other persons. The intent of the perpetrator is sometimes nebulous and will require the officer to articulate all the surrounding facts, both direct and circumstantial.

Each time the use of force is escalated, the triangle for jeopardy must exist. The level of force the constable determines to use must be reasonable and based on the constable's perception of the threat/risk and the necessity to act.

Situational Use of Force

The visual aid presents the different options available to constables in dynamic force situations. It is not based in statute nor should it be written into a procedure manual. The weapons, skills, training, and experience that you have available to you and the specific situation in which you find yourself will determine the appropriate force response.

A model to represent the situational use of force is represented below.



Types of Force

Constable presence: No force is used. This is considered the best way to resolve a situation. The mere presence of a constable may oftentimes be enough to deter a crime from occurring or to defuse a situation that is presently occurring. A constable's attitude should be professional and nonthreatening.

Verbalization or verbal direction: When a constable utilizes verbal direction, he or she is employing force that is not physical. Constables should issue calm, nonthreatening commands such as, "This is Constable Miller. Can we talk?" As a situation escalates, it may be necessary for a constable to increase his or her volume and/or shorten commands in attempt to gain the compliance of the subject(s). Short commands may include phrases like "Stop!" or, "Don't move!"

Empty hand controls: Constables may find it necessary to employ bodily force to gain control of a situation. For this, there are two techniques. The first is the soft technique, in which a constable uses grabs, holds, and/or joint locks to restrain an individual. The second is the hard technique, in which a constable uses punches and/or kicks to restrain an individual.

Less lethal force: If the preceding tactics do not work to gain control of a situation or a noncompliant subject, a constable may need to employ less lethal technologies to gain control of a situation. To do this, he or she may employ blunt impact with a baton or projectile to immobilize the combative person. He or she may also use chemical sprays or projectiles embedded with chemicals to restrain an individual (i.e., pepper spray).

Lethal force: When it becomes necessary to use greater force than any of the aforementioned types of force, a constable may need to use a lethal weapon to gain control of a situation, meaning that the constable would need to use his or her firearm to stop an individual's actions. This tactic should be employed only when a suspect poses a serious threat to the safety of the constable or another individual.