

2.18 USE OF REVOLVERS

- a. The greatest caution must always be exercised in the firing of revolvers, not only to avoid shooting innocent persons but to avoid their use. A policeman who fires a revolver in public places takes many risks. He must answer for his act and its results to his own conscience and perhaps to the law and the Department. An emergency gives no time to study, little for thought, yet a policeman must be ready to act instantly and without fear, but with good judgment that comes from knowledge and training. Not even the best rule can be a perfect guide: therefore, these sections are intended to direct members as far as it is possible in a difficult and dangerous matter.
- b. A policeman may fire his revolver in the performance of his police duty for any of the following purposes:
 - (1) To defend himself from death or serious injury.
 - (2) To defend another person unlawfully attacked from death or possible injury.
 - (3) To effect the arrest or prevent the escape, when all other means fail, of a convicted felon, or of a person who has committed a felony in the policeman's presence (not misdemeanor).
 - (4) To kill a dangerous animal, or to kill an animal so badly injured that humanity requires its removal from further suffering.
- c. Firing into the air or at the ground is dangerous to innocent persons and is a risk for the policeman because he might find it hard, in case of injury to such person, to prove the direction of his fire. Avoid firing if there is any danger of the bullet ricocheting and hitting an innocent bystander.
- d. The discharge of a revolver to aid in the arrest, or to stop the flight of a person who has committed only a misdemeanor is forbidden. When any person becomes a dangerous assailant, or when an attempt is made to rescue by violence a prisoner of any grade, even though guilty of no more than misdemeanor, the situation changes instantly; the policeman must meet force with force and use his revolver as a last means of protecting himself from death or serious injury.
- e. A policeman must not fire upon a person who has been ordered to halt because of mere suspicion, and who, when the area in which the pursuit takes place is so crowded with people, that even the killing or wounding of the fugitive might also result in the death of some innocent person. Good judgment must be used by all members of the Department in withholding their fire when such hazards as described may exist.
- f. In a running battle with criminals, policemen should make every effort to shoot a criminal who is shooting at them. Shots fired by a fugitive may cause the death of innocent persons, and to prevent such possibility the criminal should be stopped. However, the officer himself must be careful of his aim and not be himself the cause of shooting an innocent person.

- g. No member of the Department is permitted to draw his revolver except under conditions outlined in the foregoing sections or all roll-call inspections, or on the range.
 - (i) It is difficult to make a set statement about whether or not to draw your gun on a search. In any case, have it ready. If your holster has a flap or safety strap get it unstrapped and out of the way, and lift your gun in the holster and let it drop back so that you know it is loose. If you believe you should have your gun out of the holster, observe two rules: (a) Do not cock it. (b) Keep your thumb clear of the hammer so as not to interfere with the double action. Under many of these circumstances, it would be better to keep the gun in the holster.
- h. All members must keep revolver belonging to them and used in police service clean and oiled and in perfect firing condition at all times.
- i. Safety rules in handling guns:
 - (1) Keep the muzzle pointed in a safe direction. Never point a gun, loaded or unloaded at anyone unless you expect to shoot.
 - (2) Never ask if a gun is unloaded. Look for yourself with finger off trigger and gun pointed away from everyone. Treat every gun as if it were a loaded gun until you personally have proven otherwise.
 - (3) Never practice snapping or dry-firing except at a place provided for it and then only after a rigid inspection of the weapon.
 - (4) When on the range always carry the revolver in the holster.
 - (5) When a group is firing on the range, someone must be in charge to establish control. Obey instantly all firing line commands.
 - (6) Know your gun and ammunition. Use only standard loads for which the gun is designed and see that the bore is free from obstruction before loading.
 - (7) Never leave a loaded gun lying about where someone may pick it up.
 - (8) Be sure of your target and your back-stop. Never shoot at objects which may cause the bullet to ricochet or glance. Fire only on an approved range.
 - (9) Never mix alcohol and gun powder.

2.19 PROCEDURES

- a. All law enforcement officers shall be responsible for becoming familiar with all procedural matters contained in the One Car Manual and Officer's Handbook, and other procedural material that will be from time to time supplied by the Police Department of Lawrence.

2.20 EVIDENTIARY PROPERTY AND ITS CUSTODY

- a. Items of physical property to be utilized in establishing facts material to an issue under investigation are termed evidence.
- b. Detectives or other police officers who acquire property of evidentiary value are personally responsible for its safekeeping until it is released to the evidence custodian.

REPORT

Douglas
County1-14958

Case No.

KANSAS BUREAU OF INVESTIGATION

TOPEKA, KANSAS

Lawrence, Kansas
PlaceWoods

Special Agent

Date 8-20-70

Title HOMICIDE

VICTIM: Harry "Nick" RICE
7-20-70

Mr. Harry D. RICE, father of the deceased, came to the KBI office in Topeka, Kansas, to meet with Assistant Director Howard DOCKER and the reporting special agent.

Mr. RICE was asked by Asst. Director DOCKER if he would keep any and all information that was given to him confidential pending an inquest in Douglas County.

Mr. RICE was permitted to read the case summary, and ask any questions he might have.

At the conclusion of the above, a second meeting was held in the Asst. Director's office. The Douglas County Attorneys office and the State Attorney General's office had decided to leave the decision regarding a Coroner's Inquest up to Mr. and Mrs. RICE. If the RICE'S decided an inquest would serve no purpose, then one would not be held, however if they did feel an inquest was in order, one would be held as soon as possible. Mr. RICE stated he would confer with his wife and possibly an attorney regarding the matter and when a decision was reached, he would notify Ed COLLISTER in the Attorney General's office of his wishes.

James W. Woods
Special Agent
Investigation Division
Kansas Bureau of Investigation

JWW:mlm
8-20-70

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Douglas

County

REPORT

1-14958

5-14983

Case No.

KANSAS BUREAU OF INVESTIGATION

TOPEKA, KANSAS

Lawrence, Kansas

Place

WOODS & EMMONS

Special Agent

Date 7-20-70

Title HOMICIDE AND FELONIOUS ASSAULT

VICTIMS: Harry "Nick RICE"
Merton [REDACTED]

AT LAWRENCE, KANSAS

Dr. James W. CAMPBELL, M.D. was contacted at the Watkins Memorial Hospital, KU Campus, on 8-11-70 at approximately 1:00 p.m.

He checked the records and the last time Merton [REDACTED] was at the hospital was on 7-31-70, he did not see his wounds at this time, consequently he was no help as to type of wounds or characteristics.

He also looked up the records on an Elizabeth Ann [REDACTED], WF, dbb 3-26-48, home address [REDACTED] No. Hillside, Wichita, Kansas.

She came to the hospital on 7-21-70, stating she had been injured during the fracas at the Gaslite, the night of 7-20-70. The records reflected that Dr. RICHTARIK saw her and she had a 2" to 3" bruise on her left hip, the cause unknown.

She will be contacted still, to determine the circumstances, as the rumor is that she was struck by some unknown object.

Investigation to continue.

James W. Woods, Special Agent
Ray Emmons, Special Agent
Investigation Division
Kansas Bureau of Investigation

JWW:RE:m1m
8-21-70

629

0812 CDT

7-31-70

MR. NYE:

AT ABOVE TIME RECEIVED A PS CALL FROM
WOMAN IN LAWRENCE KANSAS. SHE ADVISED
THAT HER SON AND SEVERAL OTHER YOUNG
PEOPLE WERE BEING RILED UP BY A SUBJ
CRAIG [REDACTED] [REDACTED] W9th, LAWRENCE KS,
PS NR. 843-6673. [REDACTED] HAS STATED THAT
HE WAS RIGHT NEXT (WITHIN 10 FT.) OF
THE RICE BOY WHO WAS SHOT IN LAWRENCE,
AND HAS BEEN STATING THAT IT WAS POLICE
THAT SHOT HIM.

THE CALLER THOUGHT THIS INFORMATION
MIGHT BE OF SOME HELP TO OUR DEPT.,
AND THAT LIKE ALL MOTHERS OF THESE
YOUNG PEOPLE SHE WAS CONCERNED ABOUT
WHAT WAS BEING TOLD TO HER SON.

AFTER BEING ASSURED THAT HER NAME, ETC.
WOULD BE KEPT CONFIDENTIAL SHE GAVE
THE FOLLOWING:

MRS. ARLETIA [REDACTED], PS 843-6591
LAWRENCE, KANSAS

SHE SAID THAT IF ANYONE CALLED, TO MAKE
IT PERSON TO PERSON SO THAT HER SON
WOULD NOT BE AWARE THAT SHE HAD CALLED US.

630

Arletia [REDACTED]

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