



Weapons

.01 Policy

Employees are responsible for the security and proper maintenance of all Departmental weapons issued to them. Supervisors shall ensure compliance with required maintenance schedules. Employees shall not use Departmental weapons improperly. The Department will ensure that sufficient less lethal alternatives are available to all patrol officers.

Use of any weapon in this directive may require a use of force review. See: General Order 300, Use of Force.

Officers are issued a copy of and are instructed in the Department's use of force and weapons policies during their field training, and before the issuance of any weapons; however, this section does not prohibit the emergency use of a weapon by an untrained officer.

.02 Terms

Duty Firearm: Beretta 96 or Px4 Storm, Smith & Wesson 3913 or M-P.

ASP Tactical Baton: An expandable metal baton manufactured by Armament Systems and Procedures, Inc. (ASP) Baton; either Model F26 or F21.

Authorized Firearm: Any firearm that has been inspected and approved by the Chief of Police and the Armorer to be carried on or off duty; this includes off duty handguns.

Child: In accordance with Maryland Code Section 4-104 (dealing with handguns), an individual under the age of 16.

Current Qualification: An individual is qualified if they have successfully completed Departmental and Maryland Police & Correctional Training Commissions (MPCTC) approved firearm courses within the preceding calendar year.

Departmental Firearm: A Departmentally owned or controlled firearm issued to an officer.

Duty-Loaded Condition: When an authorized firearm has one round chambered, the magazine is filled to capacity, and either the safety is off or the decocking lever is in the upright position.

Firearm: Any firearm, excluding antique firearms, as defined in Maryland Code Section 4-201.

Less Lethal Weapon: Chemical agents, O.C., tear gas, electronic Control device, and impact weapons.

Electronic Control Device: Taser® Model X26fP equipped with Taser CAM™.

Locked Container: A safe, lockbox, drawer, or closet, secured by a lock.

OC Device: Issued aerosol canister that delivers oleoresin capsicum as either a spray or foam.

On duty Firearm: A firearm authorized for on duty use.

Safe Condition: When a firearm is unloaded and the ammunition is in a separate location, and is not accessible to minors or unauthorized persons.

.03 Governing Legislation & Reference

Legislation:

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

Reference:

General Order 300, Use of Force.

General Order 350, Electronic Control Device.

Forms:

Use of Force Report (Form 624).

ECD Use of Force Report (Form 6738).

.04 Procedure

A. Less-Lethal Weapons

Less lethal weapons include chemical agents, O.C., tear gas, electronic control device (ECD), and impact weapons. Prior to being issued, all less-lethal weapons must be inspected and approved by a certified instructor for the weapon to be inspected.

No officer shall carry or possess any less-lethal weapon until they have successfully completed required Departmental training in the use of the weapon.

Authorized less-lethal weapons may be temporarily stored in the trunk of a Departmental or personal vehicle when

Weapons

wearing or carrying them would be impractical. Less-lethal weapons shall not be stored in view in any unattended vehicle.

B. Electronic Control Device

The authorized electronic control device (ECD) is the Taser® Model X26P equipped with Taser CAM™. It may be used to control a dangerous or violent subject, or an uncooperative subject who poses an imminent threat of physical harm to an officer or others, when attempts to exert control by other tactics have been or likely will be ineffective, or there is a reasonable expectation that it is unsafe to approach within contact range of an individual. *Refer to General Order 350, Electronic Control Device, for complete procedures.*

Holding Facilities

ECDs are not permitted in holding facilities. They shall be secured prior to entry.

C. Chemical Agents, Oleoresin Capsicum, and Tear Gas

Chemical agents are an intermediate-level force option designed to aid officers in controlling actively resisting subjects. With proper use, these agents reduce the risk of injury to officers and subjects. An authorized chemical agent may be used:

- When necessary to defend the officer or others from physical harm;
- To effect an arrest of a resisting suspect or to prevent the escape of that subject; or
- When lower levels of force would be ineffective or inappropriate and arrest of the subject is the officer's objective.

Officers shall limit the use of such agents to those cases in which force is necessary to protect the officer, subject, or another from physical harm, or is necessary to make an arrest.

Oleoresin Capsicum

Oleoresin capsicum (OC) is an organically based, less-lethal weapon containing pepper, which causes no known permanent aftereffects.

All Officers the rank of Sergeant and below shall carry the issued OC device on their equipment belt while in uniform, except as noted.

The OC device shall not be worn or carried out of its holster or where the wearing of firearms is prohibited, such as in the secure areas of police facilities.

OC Spray may be used only when verbal commands and other techniques would be ineffective. Officers shall issue a verbal warning that OC will be used unless doing so would present a danger to the officer or others.

When feasible, the officer will defer using OC for a reasonable amount of time to allow the subject to comply with the warning. The officer should aim the canister directly at the face and upper torso of the subject from a distance of 4-to-6 feet. A one-second spray shall be followed by an evaluation of the subject and his or her movements. The officer shall give verbal commands and advise the subject to follow instructions so that decontamination can take place.

Officers are prohibited from using OC Spray in passive civil demonstrations or in crowded areas where innocent people may be affected, unless all other alternatives have been exhausted.

Plainclothes officers, whether on or off duty, may carry OC at their discretion. The device shall not be visible when carried by officers in plainclothes.

The firearms instructor is responsible for the issuance and accountability of the duty issue aerosol OC devices.

Canisters shall be replaced to ensure that there is enough OC for multiple deployments in subsequent incidents.

Duties Following Discharge of Oleoresin Capsicum

While most persons will exhibit an inability to function normally after being exposed, officers must use caution when approaching such persons within the first 30-60 seconds after exposure.

After deploying OC, officers should allow at least five seconds for the mist to dissipate, and then give specific commands to the subject. Exposed subjects shall be instructed to breathe normally, and shall be closely monitored for the first 30-45 minutes. If normal breathing does not resume after five minutes, or if all symptoms do not dissipate within 30-45 minutes, medical aid shall be

Weapons

requested. The following shall be closely monitored after being exposed:

- Obese individuals with medical conditions such as diabetes or heart trouble;
- The elderly;
- Those impaired by alcohol or drugs; or
- Those with chronic respiratory problems such as asthma.

Officers shall immediately call for medical assistance when an exposed individual:

- Becomes incoherent;
- Hyperventilates;
- Loses consciousness;
- Stops breathing; or
- Turns pale.

Officers shall notify medical personnel that the person was exposed to OC.

Additionally, officers shall request medical assistance for subjects exposed to OC Spray when they complain of continued effects after having been de-contaminated or they have a pre-existing medical condition such as asthma, emphysema, bronchitis, or a heart ailment, that may be aggravated by the OC Spray.

Handcuffing

Officers shall use caution when attempting to handcuff an individual exposed to a chemical agent. After handcuffing, officers shall not place the individual on their back or stomach. Doing so may prevent normal breathing and cause positional asphyxia that may lead to death.

Officers shall remove a subject exposed to OC Spray from a face down position as soon as it is safe to do so.

Subjects shall be seat-belted and transported in an upright position. Officers shall follow directives outlined in General Order 305, Arrest, Processing, and Transport.

OC Spray may be used on a restrained subject only when absent the use of OC Spray, the subject or another person is likely to suffer injury or the subject may escape.

Decontamination

Absent exceptional circumstances, officers will decontaminate every subject exposed to OC within 20-minutes of the application of the

Spray.

Officers shall not attempt to decontaminate an individual when their safety would be unduly jeopardized. The person shall be exposed to fresh air (when feasible) and cool water shall be used to flush their eyes.

Officers may carry water in their vehicles for decontamination purposes.

No individual who has been exposed to a chemical agent shall be left unattended unless he or she can function without assistance or is transferred to the custody of another law enforcement agency or hospital.

Officers shall notify those accepting custody of the exposure and whether or not there were any complications.

Tear Gas

Personnel may use tear gas in certain situations. Only a commissioned officer may authorize the use of tear gas.

If possible, persons in the target area shall be advised prior to the deployment of tear gas and given ample opportunity to disperse or surrender.

In emergencies, isolated officers may use tear gas to protect themselves or to accomplish a lawful objective. The officer must be able to subsequently justify its use.

D. Impact Weapons

The authorized expandable tactical baton (ASP) may be used when the use of less force would be impractical or unsafe.

These weapons may be used:

- To repel force or threat of force; or
- To arrest a person whose actions demonstrate aggression.

Expandable Tactical Baton - ASP

The tactical baton is a high-level force option used by officers to defend themselves or others from physical assault or threatened assault by a subject exhibiting aggressive behavior.

All officers the rank of Sergeant and below shall carry the Armament Systems and Procedures, Inc. (ASP) baton Model F26 on their equipment belt while in uniform.

The F26 has a two-piece, telescoping steel alloy shaft. The F26 has a closed length of

Weapons

9.5 inches; a maximum expanded length of 25.6 inches, and weighs approximately 20 ounces.

The ASP baton shall be worn in the issued scabbard. The scabbard shall be of plain black plastic.

Baton Modifications & Accessories

No modifications or adjustments of any kind shall be made to any ASP baton.

Supervisors shall ensure ASP batons conform to requirements in this section.

Blackjacks and Weighted Gloves Prohibited

The use or possession of blackjacks or weighted gloves is prohibited.

E. Lethal Force

Officers may only use lethal force when they have an objectively reasonable belief that the suspect poses an imminent threat of death or serious physical injury to the officer or to another person.

A decision to use lethal force can only be justified by facts known to the officer at the time the decision is made. Facts unknown to the officer, no matter how compelling, cannot be considered in subsequent investigations, reviews, or hearings. See General Order 301, Use of Force.

Firearms

Officers shall be armed with an issued, or authorized off duty firearm and possess their badge and identification card while traveling in the Town. Firearms shall not be carried where prohibited by law. Only authorized firearms may be used when taking police action, unless the officer is confronted by an emergency and an authorized firearm is not available.

Unless operationally necessary, firearms shall be concealed at all times from public view when officers are not in uniform. Officers are responsible for the safe handling, cleanliness, and security of all assigned firearms. They shall exercise caution when handling firearms.

Any firearm discharge directed toward a human or animal is lethal force. Firearms shall not be discharged when less than lethal force would suffice.

A verbal warning shall be given before use of lethal force whenever possible. Except as noted in this section, firearms may only be

discharged in defense of self or others when:

- The officer reasonably believes that the subject poses an imminent threat of death or serious physical injury to himself or herself or to another person; and
- No reasonable alternative for apprehending a fleeing subject exists and the officer has probable cause to believe that the person has committed a felony involving the infliction or threatened infliction of serious injury or death, and escape of the person would pose an imminent threat of death or serious injury to the officer or to another person.

Firearms may be discharged at a vehicle when:

- The occupants of the vehicle are threatening or using deadly force by a means other than the vehicle and innocent persons would not be unduly jeopardized by the officer's action; or
- The vehicle is operated in a manner which may cause serious injury or death to another person or to an officer and there is no cover available (officers should avoid placing themselves in situations where vehicles may strike them).

Firearms may also be discharged at public or private ranges for target shooting. When such activity results in injury or any unusual incident, the officer shall immediately notify Communications.

Firearms may be used to destroy seriously injured animals or those posing an imminent threat to human safety. See: General Order 301, Use of Force.

Use of Firearms Prohibited

The use of firearms is prohibited:

- Outside the Town solely for the purpose of apprehension;
- To discharge warning shots;
- When less force could reasonably be used; or
- When innocent persons would be unduly endangered.

Display of Firearm Prohibited

The display of a firearm is not lethal force. An officer shall not display or draw any firearm unless he or she reasonably believes that he

Weapons

or she may have to employ lethal force.

An officer may draw his or her firearm when he or she believes that doing so will provide a tactical advantage. Officers shall not use a firearm to threaten or intimidate anyone unless the use is tactically necessary. Officers shall promptly re-holster, conceal, or store firearms when the threat has ended. Officers shall not draw, dry fire, or display a firearm in public except for official use.

Firearms & Intoxicants

Officers shall not be armed when under the influence of alcoholic beverages or medication that may render them incapable of effectively using a firearm.

On Duty Firearm

Depending on rank or assignment, on duty officers shall carry one of the following weapons in a duty-loaded condition:

- Issued Beretta .40 caliber, Model 96;
- Issued Beretta .40 caliber, Model PX4 Storm;
- Issued Smith & Wesson 9mm Model 3913; or
- Issued Smith & Wesson .40 calibre Model M&P.

All officers shall be armed and carry their badge with identification card unless:

- Prohibited by law or procedure;
- Within a controlled area without public access; or
- In a duty status prohibiting being armed.

Nothing in this directive is intended to prohibit procedures established by the Chief of Police during a covert operation.

On duty officers working in plainclothes shall conceal the weapon at all times. The only exception to this is when it is operationally necessary or impractical to do so.

Off Duty Firearms

Off duty firearms must be:

- Semiautomatic;
- 9mm, .40 or .380 calibers;
- Have a minimum magazine capacity of seven rounds;
- Have a double-action firing mechanism;

- If capable of firing in single action, have an external de-cocking mechanism; and
- Any firearm permitted to be carried on duty.

Any firearm to be carried off duty shall be approved by the Firearms Instructor and Armorer before use.

Officers shall qualify annually at day and night fire with their authorized off duty firearms. The Firearms Instructor shall document the make, model, and serial number of each firearm.

If an authorized off duty firearm becomes unavailable or the officer fails to qualify with the weapon, he or she must carry his or her issued firearm pending availability or qualification.

Ammunition for off duty firearm qualification shall be purchased at the expense of the officer.

Exceptions to Off Duty Firearm Requirements

When circumstances render the carrying of a firearm impractical, it shall be secured in a readily available place, protected from public access. Officers are not required to be armed when traveling outside the Town.

Alterations or Repairs to Firearms

The Departmental armorer or factory-trained range personnel shall perform routine repairs of Departmental firearms.

Only issued magazines may be used with Departmental handguns. For alternate duty handguns, only the manufacturer's magazines shall be used.

The following grips are authorized for use with issued firearms:

- Beretta plastic grips (standard with issued weapon).
- Beretta wooden grips (denoted with Beretta emblem on grips).
- Farrar Tool Co. Beretta Auto Grips (with or without finger groove adapter).
- Hogue monogrips.
- Smith & Wesson grips (standard with issued weapon).

All other grip modifications are prohibited. Any alteration to the operating mechanism of any

Weapons

authorized firearm requires written approval from the Departmental armorer.

Holding Facilities

Firearms are not permitted in holding facilities. They shall be secured prior to entry.

Storage Requirements

When any Departmentally-issued firearm or off duty firearm is not in the immediate possession of an officer, to include within his or her residence, the officer shall ensure that the weapon is:

- Secured in an appropriate locked container;
- Secured with a commercial gun lock or other locking device that renders the firearm incapable of being fired; or
- Rendered safe and maintained in a secure location as defined in this order.

Firearm Safety, Exceptions

(Maryland Criminal Law Article, Section 4-1 04)

Except as noted below, an individual may not store or leave a loaded firearm in any location where the individual knows, or should know, that an unsupervised child can gain access to it.

Exceptions

- A child's access to a firearm is supervised by a person 18 years of age or older;
- A child's access to a firearm is a result of an unlawful entry;
- A firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- A child has a certificate of firearm and hunter safety as established in Section 10-30 1.1 of the Natural Resources Article;

Firearms & Ammunition in Vehicles

This subsection does not apply to firearms or ammunition recovered in the line of duty.

Authorized firearms and ammunition may be temporarily stored in the trunk of a Departmental or personal vehicle when wearing the firearm would be impractical. No firearm will be left in view in any unattended vehicle except those equipped with an authorized in-car shotgun rack. Ammunition shall not be left in view in any unattended vehicle.

F. Ammunition

On Duty

When on duty, officers shall only use issued ammunition in any authorized firearm. The following ammunition shall not be used in authorized firearms:

- Ammunition with explosive (percussion) heads, designed to explode on impact;
- Ammunition with fluid-filled cavities;
- Armor-piercing ammunition (steel or tungsten core bullet with full metal jacket); or
- Frangible or shot-filled.

G. Firearms Range Administration

The Departmental Firearms Instructor has complete discretion regarding weapon safety and range operations. The Firearms Instructor may prohibit officers from any or all activities at the Range. All persons using the Range are under the functional supervision of the Firearms Instructor. They shall comply with applicable grooming, clothing, and equipment directives.

Failure of officers to report and successfully complete any firearms training when ordered to do so shall subject the officer to administrative and/or disciplinary action, with a maximum penalty of dismissal.

Qualification

No officer shall carry any firearm, on or off duty, with which he or she is not currently qualified.

Officers shall qualify with their authorized firearm(s) annually at day and night fire.

Qualification classifications:

Master 99.0- 100
Expert 95.0-98.9
Sharpshooter 85.0-94.9
Marksman 75.0-84.9

When an officer fails to qualify either day or night fire with his or her authorized firearm after three attempts on the same qualification date, and has no apparent physical impairment, the Firearms Instructor shall:

- Notify the officer in writing that his or her police powers are suspended;
- Send a copy, through the chain of command, to the Chief of Police;

Weapons

- Take custody of all issued firearms, badge and Departmental vehicle (the officer retains his or her identification card);
- Arrange transportation for the officer; and
- Temporarily reassign the officer for remedial training.

Suspension under these circumstances is not a disciplinary action. It is an administrative action intended to limit officers' potential involvement in situations where their lack of firearm proficiency may endanger themselves or others. The officer must undergo a course of instruction prescribed by the Departmental Firearms Instructor and retest with a minimum qualification score to return to full duty.

If the inability to qualify is the result of a physical impairment, a determination shall be made as to the duration of the impairment. If temporary, the officer shall be placed in a non-contact assignment until the impairment is corrected and the officer qualifies. If the impairment is long-term or permanent, the Chief of Police shall ensure that the officer receives a fitness for duty examination.

An officer unable to qualify after remedial training shall remain in the non-contact assignment with their police powers suspended. If the Department Firearms Instructor determines that continued remedial training will not result in successful qualification, he or she shall forward a memorandum with documentation of the remedial training program through the chain of command to the Chief of Police. The Chief of Police shall determine whether or not the officer has lost a bona fide occupational qualification and take the appropriate action.

HISTORY: Adopted July 1, 2012. Revised November 20, 2015.

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens
Chief of Police