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|--------------------------|-------------------|
| <i>Subject: Firearms</i> | <i>Page No. 1</i> |
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# THURMONT POLICE DEPARTMENT

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| <b>GENERAL ORDER</b>  | <i>Date Issued: April 30, 2014</i> | <i>Effective Date: April 30, 2014</i> | <i>Order No: Chapter 1.3.1</i> |
| <i>Authority: Chief of Police</i><br><i>Gregory L. Eyer</i> |                                    | <i>Manual Page No:</i>                |                                |
| <i>Subject: Firearms</i>                                    |                                    | <i>Replaces Page No:</i>              |                                |
| <i>Accreditation Standard: Chapter 1.3.1</i>                | <i>Distribution: ALL</i>           | <i>Amends:</i>                        | <i>Number of Pages: 11</i>     |
| <i>Related Documents:</i>                                   |                                    | <i>Rescinds: New Policy</i>           |                                |

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**I. PURPOSE:**

To establish firearms equipment policies and procedures for all Department personnel authorized to carry and use firearms for law enforcement purposes.

**II. POLICY:**

It is the policy of the Thurmont Police Department that its officers will utilize, for law enforcement purposes, only those firearms and ammunition that the Department has authorized and with which the officer has been trained and qualified. Such firearms will be utilized only in the manner and under the circumstances authorized by the Department.

**III. DEFINITIONS:**

**DUTY WEAPON:** The handgun issued to sworn personnel to be carried while on-duty or in uniform.

**FIREARMS COORDINATOR:** A Certified Firearms Instructor, designated to instruct and certify firearms qualification for all sworn personnel, and who is designated to coordinate all firearms training, programs, and equipment.

**OFF-DUTY WEAPON:** A handgun, supplied by a sworn officer and approved by the Department, to be carried when not on-duty or in uniform.

SPECIAL WEAPON: A Department firearm, other than a Duty Weapon or shotgun.  
(ie: Rifles)

## **V. PROCEDURE:**

### **1. Use of Firearms – Restrictions:**

- A. Thurmont Police Department personnel authorized to carry firearms shall not discharge their weapon:
  - 1) as a warning;
  - 2) in any felony case which does not meet the conditions set forth in Chapter 1.3 section IV. B. 5.
  - 3) at or from a moving vehicle except:
    - a. as a measure of self defense or defense of another when the suspect is using potentially deadly actions;
    - b. when all conditions regarding a fleeing felon are present;
    - c. when a vehicle is driven in a manner deliberately intended to kill or severely injure a member of the Department or civilian.
  - 4) in any attempt to apprehend a misdemeanor.
- B. Under no circumstances will members of the Department display a weapon in a flagrant manner or in any manner which is unsafe or would cause unnecessary alarm to the public.
- C. All members of the Department are prohibited from carrying weapons off-duty while consuming alcoholic beverages.
- D. Members of the Department must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of weapons in circumstances other than those described in this General Order are contrary to Department policy.

### **2. Discharge of Firearms:**

An officer may discharge a firearm in the performance of their police duties, either on- or off-duty, **ONLY** in the following circumstances:

- 1) in self defense from death or serious bodily injury when nothing less than deadly force is adequate to ensure the officer's safety;
- 2) in defense of another person from death or serious bodily injury when nothing less than deadly force is adequate to ensure the officer's safety;
- 3) to apprehend or prevent the escape of a suspected felon, **only** if the officer has probable cause to **believe** that if not immediately apprehended the suspect poses a significant threat of death or serious bodily injury to any person;

- 4) to kill a dangerous animal, or to humanely destroy a badly injured animal to relieve it from further suffering, when no other appropriate means exist;
- 5) to call for assistance or to sound an alarm only in an extreme emergency, and when no other appropriate means exist; and,
- 6) during qualification and/or training at the Department's or any other approved range.

### **3. Authorized Weapons and Ammunition:**

- A. No member of the Thurmont Police Department, while in the normal exercise of their duties, shall carry, use or discharge any firearm except those authorized by the Department and which the member has qualified with and met Department requirements. Only Department authorized and issued ammunition will be used for all Department issued weapons for qualifications and carry.
  - 1) While on duty, officers shall carry their issued weapon with the caliber ammunition authorized for that weapon. The Department issued handgun is a Glock model 22 / 40 caliber. The ammunition carry is 46 rounds; 15 rounds in each of the three magazines and one round in the chamber. Officers will only carry and use Department issued ammunition.
  - 2) Plainclothes personnel may carry an approved off-duty weapon while on duty with the approval of the Chief.
  - 3) Authorized single action weapons will not be carried in the cocked position.
- B. Personnel are prohibited from carrying, displaying and/or using any weapon, control device or other equipment which may be considered an offensive or defensive weapon while on-duty or engaged in secondary employment which has not been expressly approved by the Chief of Police. Officers may carry a small folding type knife with a blade not exceeding four (4) inches for non-defensive purposes.
- C. All weapons will be inspected by a qualified weapons instructor or armorer prior to being issued. Off duty weapons will be inspected also before approval. All weapons issued, and approved off-duty weapons, will be inspected during periodic qualification. Personnel are responsible for the care, cleaning, and overall maintenance of their duty weapon and off duty weapons.
- D. No modification shall be made, or accessories added to, any approved weapons carried or used by Department personnel without written permission from the Chief of Police.
  - 1) Modifications and accessories shall include, but not limited to:
    - Shotgun magazine extension tubes
    - Shotgun slings
    - Ammunition carriers

- Pistol grips
- Laser sights
- Scope sights

2) Any modification or accessory approved by the Chief of Police will be installed or added by a competent gunsmith or armorer. Any expense incurred as a result of the modification permitted under this order will be the responsibility of the member, unless otherwise approved by the Chief of Police.

E. When a Department issued weapon has been damaged or is in need of repair, the member shall immediately report this to his/her supervisor.

- 1) The supervisor will ensure a qualified weapons instructor or armorer is also notified. Determination will be made if the weapon is in need of repair or is to be replaced.
- 2) The damaged or unserviceable weapon will then be removed from service and a comparable weapon issued. If a weapon is repaired and not permanently removed from service, it will then be re-issued to the same person.
- 3) If a comparable weapon is issued to the member, he/she must qualify with the temporarily issued weapon.

#### **4. Off Duty Weapons:**

- A. The carrying of firearms by sworn personnel while off duty shall be optional, leaving the decision up to the professional judgment of the individual officer. When going out into the community while off duty and considering whether or not to arm themselves, personnel should take into consideration their destination, purpose, and dress, as well as other pertinent variables. Officers will not be armed while consuming or under the influence of alcohol. Sworn officers must carry their Departmental Identification Card and MPCTC Certification Card while on duty and off duty if carrying an off duty weapon.
- B. While off duty, officers may carry their issued duty weapon or an approved semi-automatic weapon having a minimum caliber of .380 up to a maximum of .45 or a revolver having a .38 to .357 caliber so long as the officer remains qualified with the weapon in accordance with Department policy. The Department will not provide ammunition for privately owned and approved off duty weapons. All weapons and equipment must be concealed from public view when not in use and when not in uniform. Off duty weapons shall be approved by the Chief of Police.
- C. Sworn officers will be permitted to designate two (2) handguns as off duty weapons.
  - 1) Personnel will be permitted to carry only one (1) of the designated off duty weapons at one time.

- 2) In cases where either or both weapons are approved back-up or secondary weapons to be carried on duty, personnel will only be permitted to carry one at a time and to carry in a manner that will conceal it from view.
  - 3) Off duty weapons must be carried in a security holster that has some type of security feature to secure the weapon in the holster.
  - 4) Off duty weapons must meet the following specification:
    - The firearm must be of quality manufacturing
    - The firearm must be in safe and good working order
    - The barrel length must not exceed five inches
- D. The range officer will record the descriptions, including serial numbers, of the weapons designated as the members' off duty weapons, and will maintain a file on off duty weapons and qualifications dates.

#### **5. Off Duty Action:**

Personnel should refrain from taking overt police action while off duty except under circumstances that threaten life and/or seriously threaten public safety. Personnel who need to take action should remember that they are limited by force options. Off Duty personnel who take overt action will visually and verbally identify themselves as a Law Enforcement Officer as soon as practical.

#### **6. Shotgun Issuance:**

- A. All sworn personnel will be trained and qualify with a shotgun annually during firearms qualification. A shotgun will be issued to an officer with Buckshot and Slug rounds of authorized ammunition. The Department will provide shotgun ammunition for qualification and carry. Members will only use Department issued ammunition for issued shotguns.
- B. Issued shotguns will be transported in the trunk of the officer's vehicle in the following manner:
  - 1) The weapon will be placed "off-cock" by checking the chamber and magazine tube twice to ensure that the weapon is empty, closing the bolt on an empty chamber, and, while pointing the weapon into a discharge containment box, pulling the trigger to decock. The safety will be placed in the "off" position and four rounds of **Slug ammunition** will be loaded into the magazine tube.

#### **7. Specialized Weapons:**

- A. The Thurmont Police Department has authorized the use of long range rifles for trained personnel demonstrating proficiency in the use of these weapons. Even though authorized, the Department will not purchase these weapons and each sworn officer who chooses to carry a specialized weapon will need to purchase the weapon themselves. The weapon purchased by the officer must be approved by the Chief of Police and the

Firearms Coordinator. The Chief of Police will designate who is qualified to possess or use these specialized weapons.

- B. Sworn officers may carry an approved semi-automatic or bolt action AR 15 Rifle with a minimum barrel length of 14 inches and receptive to Department issued .223 caliber ammunition, as long as the officer has successfully completed a Law Enforcement Rifle Class and remains qualified with the weapon in accordance with Departmental policy. All rifles will meet approved standards by the Firearms Coordinator and the Chief of Police before an officer will be authorized to carry the weapon. Only Department issued ammunition will be used in the Specialized Weapons. The Department will provide ammunition for these weapons for qualifications and carry.
- C. Officers will only use a shotgun or rifle in extraordinary circumstances, such as tactical or high-risk situations; and when the officer has cause to believe that the offender may need to be engaged at an extended distance; or the armed offender is wearing body armor or is shielded by an intervening barrier. When contemplating the use of a shotgun or rifle, officers will consider the following factors:
- 1) reduced use of hands when holding the weapon;
  - 2) handcuffing a suspect when alone without the assistance of another officer;
  - 3) potential background hazards and penetration; and,
  - 4) the possibility of the weapon inciting or aggravating a situation as opposed to being a protective measure.

Specialized Weapons shall be equipped with a sling system suitable for tactical deployment where the weapon may be retained “hands free” yet ready for immediate use.

- D. Situations that may justify the use of a shotgun or rifle include:
- 1) a major criminal incident, such as an active shooter or barricaded subject;
  - 2) high risk stops;
  - 3) high risk building or area searches;
  - 4) destruction of animals in situations where a handgun would not be effective; and, or any situation in which a supervisor deems appropriate
  - 5) If an officer points a shotgun or rifle at anyone, he/she will complete a Subject Management Report
- E. Rifles will be transported in the trunk of the officer’s vehicle in a hard or soft case, or in a “Lock Box” of an SUV. The weapon car carry condition will be as follows: The weapon will be made completely safe and free of ammunition. Do not de-cock weapon. With the bolt open, place the weapon on “SAFE.” The bolt will be closed on an empty chamber. If equipped, the dust cover closed. Insert a loaded magazine into the weapon. A discharge containment box should be used if

available.

## 8. Weapon Lights for Duty Issued Handguns:

1. A. Officers will have the option to be issued a Safari land weapon light medium rise holster and TLR1 weapon light.  
B. If an officer decides to not use a weapon light, he/she will carry the TPD non weapon light holster issued by the department.  
C. No officer will use this combo until they have been trained by a TPD firearms instructor and have read all Rules and Regulations regarding its use.
2. Upon being certified by a TPD firearms instructor, the following rules will apply to the use of the weapon light.  
**A. A weapon light is considered a secondary light source. If carrying a holstered weapon light, officers will carry a primary light source while on duty.**  
**B. Weapon lights will be used, only while mounted on your weapon, during times you are authorized to deploy your weapon!**  
**C. At No time will your weapon light, while mounted on your weapon, be used for primary source of light!**  
**D. Officers are to use the weapon light for an illumination devise only when the weapon is deployed, not as an aiming tool. Officers are still responsible for using their weapons sights as the only source for aiming their weapon.**

## 9. Firearms Proficiency:

- A. Thurmont Police Department Personnel authorized to carry weapons must demonstrate proficiency in the use of Department-authorized weapons prior to being approved to carry such weapons. Employees will be issued a copy of General Order 1.3, Use of Force, and receive classroom instruction on its contents prior to being authorized to carry a firearm and specialized weapon. General Order 1.3 shall be an annual component in the Department's in-service training program.

## 10. Firearms Safety and Security:

- A. Any officer to whom a Department firearm has been assigned or who otherwise has custody of a Department firearm will ensure that the weapon is stored and maintained in a safe manner and in a secure location at all times. At no time will unauthorized persons be allowed access to Department firearms.
- B. Whenever a Department vehicle that contains a firearm will no longer be under the control of a sworn officer (e.g. the vehicle requires towing, maintenance, or repair and the keys must be left with towing or service personnel; the vehicle is damaged and cannot be secured), the officer to whom the vehicle is assigned will remove all weapons and safely secure them before relinquishing control of the vehicle.

- C. Officers will not carry or use any weapon that is not in safe and good working condition.
- D. Firearms safety and security will be incorporated into entrance-level and annual in-service Firearms Qualification Training. Personnel will always keep all firearms in their possession inoperable and inaccessible to others when not in use.
- E. Routine loading and unloading of all firearms while on-duty will be done while pointing the weapon into a discharge containment box. During training, officers will follow the instruction of firearms instructors concerning loading and unloading of weapons.

**11. Weapon Inspections:**

- A. Duty Weapons and Off Duty Weapons are the responsibility of the officer to whom the weapon is assigned. The officer to whom a duty weapon is assigned will inspect it for cleanliness, damage, and proper function prior to each shift/day of work. Supervisors will inspect the duty weapons assigned to their subordinates at least once each quarter per calendar year. Supervisors will ensure that all duty weapons assigned to their subordinates are cleaned and inspected at least once annually by a Department armorer.
- B. The cleaning and maintenance of off-duty weapons is the responsibility of the owner/officer authorized to carry the weapon. Officers choosing to carry an off-duty weapon must ensure that the weapon is clean, undamaged, and functions properly prior to carrying the weapon. The Firearms Coordinator or his/her designee will inspect each off-duty weapon prior to qualification with the weapon.
- C. Periodic cleaning of issued shotguns is the responsibility of the officer to whom the shotgun has been assigned. Officers to whom shotguns have been issued are responsible for ensuring that the weapon is clean, undamaged, and functioning properly prior to each shift/day of work. The Firearms Coordinator or his/her designee will inspect issued shotguns prior to the assigned officer's annual qualification with the weapon.
- D. Periodic cleaning of issued special weapons is the responsibility of the officer to whom the special weapon has been assigned. Officers to whom special weapons have been issued are responsible for ensuring that the weapon is clean, undamaged, and functioning properly prior to each shift/day of work. A supervisor will ensure that the weapon is inspected twice annually by a Department armorer certified for the special weapon in question.
- E. Periodic cleaning and inspection of spare weapons assigned to Department is the responsibility of the Department armorers. The Department armorers are responsible for periodic cleaning and inspection of all spare weapons. Spare firearms will be cleaned and inspected on an annual basis. Spare firearms will be inspected for cleanliness,

damage, and proper functioning by the armorers prior to, and upon return from, issuance to any other officer.

- F. Any officer who discovers any damage to, or malfunction of, a Department weapon will immediately report the damage or malfunction to his/her supervisor, who will arrange for repair of the weapon by authorized personnel and issuance of a spare weapon. Repairs and alterations to Department weapons, with the exceptions of slip-on rubber grip and grip plugs, will be made only by Department armorers qualified to work on the type of weapon in question. The Firearms Coordinator will ensure that records are maintained of all repairs to Department firearms.

## **12. Training and Qualifications:**

- A. Sworn members of the Thurmont Police Department authorized to carry firearms will qualify, at least annually with all firearms they carry on and off duty. The Range Instructor will coordinate and schedule annual qualification times and dates for all personnel below the rank of Colonel.
- B. The Maryland Police and Corrections Training Commission will establish the standards for qualification with a firearm. The Firearms Coordinator will maintain a copy of these standards.
- C. Officers are required to qualify with a minimum score of 70% on the daylight, reduced light and shotgun course. The minimum passing score for qualification for Patrol Carbine will be 90% for the practical exercise.
- D. Training will be conducted by a certified firearms instructor and will consist of annual classroom instruction in the following subjects, which will be documented:
  - 1) the purpose of firearm instruction;
  - 2) care, cleaning, safe handling and safe storage of a firearm;
  - 3) legal aspects and knowledge of the Department's policies on the use of force with firearms, liability, and provision of appropriate medical aid after using force;
  - 4) fundamentals of marksmanship;
  - 5) proficiency training.A written examination will be given mandating a minimum passing score of 70%.

## **13. Failure to Appear – Guidelines:**

- A. Officers who cannot attend their scheduled firearms training due to a scheduling conflict (such as court, vacations, sick leave, etc.) must contact their supervisor to be rescheduled.
- B. If an officer is medically suspended or on light-duty for a period of 90 continuous days,

as a result of an injury that may affect his ability to properly handle a firearm, the Chief will make a determination if the officer needs to fire a familiarization course of fire prior to returning to enforcement duties.

- C. If an officer is unable to attend firearms qualification during any calendar year (e.g., on sabbatical or medically suspended) and therefore does not shoot a qualifying daylight and reduced light score during that year, he must qualify on both courses before he can return to duty in the following calendar year.

**14. Failure to Achieve Passing Score:**

- A. If any officer has failed to qualify on his/her initial attempt, he/she will receive remedial training and given a second chance. The firearms instructor will determine when efforts to qualify will cease based on time constraints and the shooter's lack of progress towards achieving a qualifying score.
- B. If an officer fails to attain a minimum score of 70%, his/her police powers will be suspended and he/she will relinquish his firearm to the instructor, who will immediately notify the Chief. The instructor will follow up the initial notification with a written report to the Chief of Police. The officer will be temporarily assigned to Administrative Duties until he/she completes detailed remedial training and receives a qualifying score.

**DOCUMENT DATES:**

*Amended Date: June 28, 2016*

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds: New Policy*

*Order Written By: Lt. P. Allen Droneburg*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order*

*CHAPTER 1.3.1*