

## TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



	TITLE: <b>Firearms</b>	NUMBER: <b>617A</b>
	EFFECTIVE DATE: <b>November 4, 2013</b>	REVIEW DATE:
	New    X Amends    Rescinds	General Order 617A, dated December 12, 2012
AUTHORITY: <b>Alan Goldberg, Chief of Police</b>	CALEA STANDARDS: <b>1.2.2, 1.3.9, 1.3.10, 1.3.11, 1.3.12</b>	TOTAL PAGES: <b>12</b>

**01 Purpose:** To establish policy, procedures and guidelines relating to the use of Department-issued firearms and Department- authorized, personally owned firearms.

**02 Policy:** It is the policy of the Takoma Park Police Department that only authorized firearms, ammunition and accessories will be carried and used by officers, both on and off duty; that they will be carried in accordance with laws of this state and any other jurisdiction that officers might enter; and that they will be handled in a manner that maximizes officer and public safety.

**03 Safety and Handling of Firearms:** All sworn personnel will adhere to the following basic safety rules and “*Condition Check Rule*” at all times while handling any firearm:

- A. Treat all firearms as though they are loaded.
- B. Point the muzzle in a “safe direction.” Safe direction is defined as an area wherein, if an accidental or negligent discharge occurs, only minor property damage and no human injury will result.
- C. Keep your finger outside the trigger guard until your sights are on the intended target and you intend to fire.
- D. Be sure of your target and what is around and behind it.
- E. “*Condition Check Rule*”: Whenever you pick up a firearm that has been out of your direct control (even for an instant), open the action and check to make sure the firearm is unloaded.
- F. At each qualification, the firearms instructor will brief all officers on the firearms safety rules and “*Condition Check Rule*” before firing commences.

**G.** Officers will immediately inspect and unload all firearms that come into their possession unless a particular circumstance or investigative procedure prevents them from doing so. Officers not familiar with a particular weapon will immediately contact the on-duty Shift Supervisor or a Department firearms instructor for assistance.

#### **04 Care of Firearms:**

**A. Care and Cleaning:** Officers are responsible for the care and cleaning of Department-issued firearms, as well as personally owned firearms authorized by the Department to be carried both on and off-duty. Firearms shall be clean and lubricated at all times, and cleaned as soon as practical following a qualification.

**B. Field Stripping:** Disassembly of Department-issued firearms for cleaning is limited to “field stripping” only. Any further disassembly of a firearm will be accomplished by the Department Armorer.

**C. Repairs:** Firearms in need of repair shall be submitted, without undue delay, to the Head Firearms Instructor for referral to the Department Armorer. Submission of the firearm shall be accompanied by a written memorandum describing the type of malfunction and, if known, the cause.

**D. Damage to Firearms:** Damage to departmental firearms will be reported immediately to the on-duty Shift Supervisor. A written memorandum must be submitted and the firearm shall be taken out of service by the Head Firearms Instructor until checked by the Department Armorer. A replacement weapon will be issued by a member of the firearms staff.

**06 Departmental Firearms/Out-of-State Carry:** The Law Enforcement Officers Safety Act of 2004 (LEOSA) allows officers to carry concealed firearms not only in their jurisdictions, but also in all 50 states and the territories of the United States, provided certain conditions are met. Officers are reminded that they do not have police powers and possess no authority to act as a police officer while traveling armed outside of the State. Officers must abide by the laws of the state to which or through which they travel. It is the responsibility of the individual officer to seek qualified answers to foreseeable issues that might arise when they plan to travel to or through other states and chooses to carry a concealed firearm. At all times when carrying firearms, officers will be in the physical possession of their Department-issued badge and identification card, which identify them as police officers. Officers are reminded they still must obey local restrictions and prohibitions on carrying concealed weapons on private property, as well as state or local government property. Officers are further reminded that they must obey federal, state and local laws and restrictions regarding the carrying of firearms in airports and on airplanes. All other departmental rules, regulations and

procedures regarding the safe handling and care of firearms, firearms and ammunition approval, firearms maintenance and storage, and qualification/certification apply to officers who choose to carry a concealed firearm outside the State of Maryland. Officers who are under the influence of alcohol or any other intoxicating or hallucinatory drug or substance are prohibited from carrying any firearm whatsoever, inside or outside the State of Maryland. Officers subject to any disciplinary action by this Department are prohibited from carrying firearms outside the State of Maryland. Under the provisions of LEOSA, officers are not authorized to carry any machine gun, firearm silencer or destructive device.

**07 Departmental Firearms/Flying Armed:** Officers with an operational need to fly armed are referred to Special Order 2009-005, "Updated Procedures for Law Enforcement Officers Flying Armed," and/or any regulations that may be promulgated by the Transportation Security Administration (TSA), U.S. Department of Homeland Security.

**08 Issued and/or Authorized Firearms:**

**A.** Either on or off duty, officers may carry only Department-authorized firearms. This includes one issued sidearm/handgun; one personally owned and authorized sidearm/handgun meeting the provisions of this Order; and one shotgun and/or one rifle meeting the provisions of this Order. In plain clothes and while not actively engaged in a tactical operation requiring otherwise, the sidearms/handguns shall be concealed.

**B.** Prior to receiving an issued firearm or carrying a personally owned one authorized for Department use, officers shall:

- 1.** Be provided a copy of this Order and all other departmental directives relating to firearms and the use of force, and acknowledge their understanding of the rules and policy related therein.
- 2.** Qualify at an approved range, obtaining a minimum score of 80% with each issued and authorized sidearm and shotgun, and 90% in the case of rifles.

**C.** Officers authorized to carry firearms shall be armed, whenever and wherever practical, while in the City of Takoma Park.

**D.** Department-authorized sidearms will be carried in "service ready" condition at all times, i.e., the weapon shall have:

- 1.** one (1) round in the chamber, and
- 2.** a full magazine.

**E.** Firearms are authorized to be carried off duty, but they are not required to be carried outside the City limits. (**Exception:** Off-duty officers, while operating a Department vehicle, will carry a Department-authorized firearm.) No officer is authorized to carry a firearm in any jurisdiction that prohibits such practice. In all cases, the firearm will be carried concealed by an off-duty officer not in uniform.

**F.** A personally owned and authorized sidearm/handgun may be carried while on duty as “back-up” (but not in lieu of a department-issued sidearm/handgun). It will be carried concealed at all times, and will be disarmed at any time an officer is required to disarm under the General Orders of this department or while at any facility of another agency.

**G.** No department-owned armament shall be loaned to any person or agency without the consent of the Chief of Police or designee.

**H.** The department-issued sidearm/handgun for regular duty and/or off duty use is the Sig Sauer Model P229 DAO or DAK in .40 caliber.

**I.** Authorizations for personally owned sidearms/handguns to be carried off duty or as back-up weapons on duty may be granted for any semi-automatic pistol of a reputable manufacturer that is in good condition, has double action and a minimum seven (7) round capacity in .380 Auto or .45 Auto calibers, 9mm Luger, or .40 S&W, and has been approved by the Head Firearms Instructor. Note: The Head Firearms Instructor may disapprove any request for authorization.

**J.** The only personally-owned shotgun that will be approved is the Remington Model 870 12 gauge pump shotgun, with a 20 inch barrel, unless an exception is granted in accordance with Section 09 of this General Order.

**K.** The only personally-owned rifle that will be approved is the AR-15 style rifle or derivative in .223 cal.

**09 Authorization Procedures for Personally Owned Firearms:**

**A.** An officer wishing to use a personally owned firearm on or off duty shall:

**1.** Have the weapon inspected by the Department’s Armorer to ensure it is safe, in proper working order, and meets the provisions of this Order.

**2.** Submit a memorandum, through the chain of command to the Chief of Police, requesting authorization to carry the weapon. The memorandum will specify the make, model and serial number of the weapon and confirm that the weapon has been inspected and approved by the Armorer.

**B.** Once authorization is granted, a copy of the memo will be forwarded to the Head Firearms Instructor. The firearms instructor will ensure the officer qualifies with the approved firearm by obtaining a score of at least 80% for a sidearm/handgun and shotgun, and 90% for a rifle.

C. The officer must have the owner's manual for the firearm he/she wishes to carry and present both the firearm and the manual at the time of qualification.

D. Any and all personally-owned firearms authorized for police use are subject to all the provisions of Procedures and Rules governing firearms generally.

**10 Authorized Ammunition:**

A. Only Department-issued ammunition will be carried in Department-authorized firearms being carried on or off duty. Any handgun chambered for .40 cal will use Federal HST 165 grain hollow point rounds. Any weapon chambered for 9mm will use Federal HST 147 grain hollow point rounds. Shotguns will use Federal 12ga Tactical Buckshot 2¾ inch shells w/00buck, or Federal 2¾ inch, 1 oz rifled slugs. Rifles will use 5.56 ball, 55 grain ammunition or Federal 55 grain tactical bonded softpoint. Other rounds may be used in training settings at the discretion of the Head Firearms Instructor.

B. Ammunition used for official duty will not be altered or modified.

C. While on duty, officers will carry ammunition as follows

1. Patrol Duty - a minimum of two extra magazines.
2. Administrative and/or Investigative Duty - a minimum of one extra magazine.

**11 Authorized Holster:**

A. Both patrol officers in uniform and administrative officers in uniform shall wear the holster issued by the Department.

B. Off-duty officers, on-duty officers with a "back-up" handgun, and plainclothes officers may use a different holster provided the specific make/model of the holster has been approved, in writing, by the Head Firearms Instructor.

**12 Service and Back-up Sidearm/Handgun Loading and Unloading Procedures:**

A. Sidearms will be loaded and unloaded at the designated area provided in the station.

B. Sidearms will be pointed directly into the safety container with finger outside the trigger guard. Loading will be done in accordance with the following procedures:

1. Place the safety on, if applicable.

2. Pull and lock the slide to the rear.
3. Visually check the chamber, magazine well and barrel for obstructions.
4. Insert a fully loaded magazine.
5. Pull the slide back and release.
6. Place the safety off, if applicable.
7. Holster the weapon.
8. Remove the magazine and top off with one round.
9. Re-insert the magazine, making sure it snaps into place.

**Caution:** When loading, do not slam the magazine into place. If the magazine is slammed into the gun, it could cause the slide to release, a round to invert inside the magazine, or the floor plate to release. Dropped magazines should always be unloaded and inspected for inverted rounds. If one loads or unloads frequently, the rounds should be rotated in the magazine so the same round is not always first.

**C.** When unloading a sidearm, point the weapon in a safe direction and adhere to the following procedures:

1. Place the safety on, if applicable.
2. Remove the magazine.
3. Pull the slide back and lock, retrieving the ejected round.
4. Inspect the feed ramp and magazine well to ensure the weapon is clear before proceeding to holster an empty weapon.

**13 Long Arms:** Shotguns and rifles will be stored, carried and deployed in accordance with the following guidelines:

**A.** Departmentally-owned shotguns and rifles will be stored and locked in the weapons lockers located in the supply room or other designated area when not in use. An officer assigned or wishing to carry a shotgun will check one out through the duty patrol supervisor. Officers authorized to carry a rifle will be assigned a specific rifle and will be issued a key to the appropriate locker for storing it.

**B.** Shotguns and rifles will be inspected for mechanical safety defects before they are checked out. Any such weapon suspected of being defective or otherwise in unserviceable condition will be tagged "DO NOT USE" and notification left for a Firearms Instructor to evaluate it. Supervisors will not allow a shotgun or rifle to be removed from the station for duty-use if it has not successfully passed inspection. Departmentally-owned shotguns will be logged out and in by each officer using them. Departmentally-owned rifles assigned to specific officers do not need to be logged out on each shift, but they must be inspected prior to duty-use.

**C.** Both shotguns and rifles will be carried in "car safe" condition when in the vehicles. This is defined as having an empty chamber, slide forward, safety off, and a full magazine. The magazines should be loaded in the station, and the weapons and extra ammunition shall be carried outside in the appropriate cases provided. All loading will be done with the weapon pointed in a safe direction and out of public view.

**D.** Officers will carry shotguns and rifles in a locking storage rack in the vehicle. If an officer's vehicle is not equipped with a secure carrying rack, the weapon should be stored in the locked trunk of the vehicle.

**E.** Shotguns and/or rifles may be deployed during felony vehicular stops, hostage/barricade situations, incidents involving confrontations with armed suspects, hold-up alarm calls, or at the discretion of a supervisor. All provisions of General Order 617 are also applicable to the deployment and use of shotguns and rifles.

**F.** At the conclusion of each tour of duty officers shall remove the shotgun or rifle from their assigned vehicle. Weapons will not be kept in vehicles overnight, for the next shift, or at any time the vehicle is placed out of service at any repair facility, including Public Works.

**G.** Shotguns and rifles will be unloaded in the station by removing all rounds from the magazine and, with the slide open and safety engaged, officers will visually inspect the chamber. All unloading will be done with the weapon pointed in a safe direction and out of public view.

**H.** Shotguns and/or rifles will be returned to the weapons locker by the officers who signed them out, and shall be logged accordingly on the appropriate forms.

**I.** An officer is permitted to carry a personally-owned shotgun provided the weapon is of the same make and model as those issued by the Department, the weapon has been inspected and approved by the Head Firearms Instructor, the officer has qualified with the weapon at the range, and the officer is on the current list of qualified personnel to carry that particular type of weapon. An officer may carry a personally-owned rifle provided it is an AR-15 style rifle or derivative in .223 caliber, of good manufacture, and has been inspected and approved by the Head Firearms Instructor.

**J.** Violations of any portion of this section will be immediately reported to a sworn member of Command Staff. At a minimum, the responsible officer shall immediately be removed from the list of qualified personnel to carry a shotgun and/or rifle. Such restriction shall remain in effect at least until the next available shotgun or rifle training and qualification session, or for a longer duration as may be determined by the officer's Division Commander.

**14 Firearms Security:**

**A.** Officers will keep sidearms/handguns not in use securely fastened in holsters at all times. While on duty, the sidearm/handgun will only be removed from its holster in tactical situations and/or at the station when required to disarm.

**B.** Officers will not be armed with any firearms while handling prisoners in the processing area or interview rooms.

**C.** When it is necessary to disarm at the police station, officers will place the safety on, if applicable, and secure their gun in the gun locker.

**D.** When securing weapons off duty, every officer is charged with ensuring Department firearms are inaccessible to persons not authorized to possess or handle them. Officers are responsible for the safety and security of their firearms in accordance with the Maryland Code, Criminal Law Article, C 4-104, which states: "... A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child [under the age of 16] would gain access to the firearm." Officer shall be issued a lock box in which the department-issued sidearm/handgun or any department-authorized back-up sidearm/handgun shall be stored when not being carried by the officer. Alternatively, an officer may purchase his/her own lock box or safe for securing weapon(s) at home.

**E.** All department-owned long guns will be stored either at the station in the assigned lockers or at the residence of the officer to whom the weapon is assigned and provided the weapon is secured in accordance with Section 14 D of this Order. As with all other firearms, department-owned long guns will not be stored in the cruiser overnight or when the vehicle is unattended and parked for extended periods of time.

**15 Firearms Repair and Modifications:**

**A.** The Department Armorer, designated by the Chief of Police, will perform routine repairs and modifications to Department-owned weapons.



**B.** Department-authorized personally owned firearms will be repaired and/or modified by the Armorer or an authorized gunsmith of the officer's choice. However, any repairs or modifications done by a certified gunsmith will need to be approved by the Armorer before the weapon is allowed to be put back into service

**C.** The Armorer will inspect and approve all grips added to Department issued firearms.

**D.** The Armorer will keep records of all repairs and/or modifications performed on Department issued or authorized firearms, to include when a repair or modification was done, what was done, and who did it.

### **16 Firearms Inspections:**

**A.** Inspections of Department issued firearms, for the ranks of sergeant and below, will be conducted by the officer's immediate supervisor, or designee, once every two months. In addition, weapons will be inspected by a member of the firearms training unit during semi-annual firearms training. The Chief of Police, or designee, will inspect the weapons issued to the Command Staff. All records of these inspections will be made part of the officer's firearms training file.

**B.** The Armorer is also responsible for:

**1.** Maintenance, inspection and test firing of weapons prior to issuance, and maintaining firearms records including details of officers' personally owned weapons authorized for on and off duty use.

**2.** Periodic weapons maintenance and annual inspection of all personally owned sidearms/handguns used by officers on and off duty.

**3.** Reporting all firearms problems, discrepancies and equipment needs to the Patrol Operations Commander and Head Firearms Instructor.

**C.** When an inspection reveals an unsafe condition in any issued/authorized firearm, the weapon will immediately be placed out of service. The weapon will not be carried again until the problem is corrected and the weapon is inspected and approved by the Armorer.

**D.** When an inspection of a Department issued weapon reveals damage attributed to carelessness, abuse or misuse, the inspector and officer will complete and forward explanatory memoranda to the Chief of Police.

**E.** Department issued weapons that are damaged or lost as a result of negligence will subject the officer to appropriate disciplinary measures, including, but not limited to, replacement of the weapon at the officer's expense.

**17 Firearms Training:**

**A.** The Head Firearms Instructor, designated by the Chief of Police, is responsible for the formulation of firearms-related training in coordination with the Training Officer.

**B.** Officers will report for firearms training at the time and place dictated by the Head Firearms Instructor or designee.

**C.** While training will be conducted in accordance with the standards of the Maryland Police and Correctional Training Commission (MPCTC), nothing in this section prohibits the Department from establishing or requiring higher standards.

**C.** Qualification consists of classroom instruction and discussion on firearms policy, use of force, and related topics, as well as several courses of shooting. Each sworn officer will qualify at least semi-annually with any issued sidearm/handgun, and annually with any other firearm, which he/she is authorized to use. Each officer will attain a minimum score of 70 % on the written exam and, on the range, a minimum score of 80 % for each issued and authorized sidearm and shotgun, and 90 % in the case of rifles.

**D.** An officer who fails to obtain a qualifying score with his/her service weapon will be, within physical or time limitations, afforded the opportunity to qualify again before the end of the current training session. Continual failure to qualify shall result in a suspension of all police powers at the conclusion of the current training session. This suspension shall be imposed by the ranking firearms instructor present, after consultation with the Chief of Police or, if unavailable, the affected officer's division commander. The affected employee shall be scheduled for remedial training within 30 days. The officer may be scheduled for a medical exam to determine, if medical conditions exist which may inhibit shooting ability. While on such a limited duty status, the employee shall report as directed and perform such duties as assigned by his/her respective division commander.

**E.** The Head Firearms Instructor is responsible for scheduling remedial training, and will ensure that the officer(s) involved are assigned different instructors (from the failed attempt).

**F.** The MPCTC certification is required for continued employment as a police officer. Each officer must remain proficient with the assigned service weapon. Failure to obtain a qualifying score, after remedial training, may result in dismissal.

**G.** The Head Firearms Instructor will ensure that proper documentation and records are kept, and that a copy of individual qualification scores is provided to the Training Officer for inclusion in each officer's training file.

**H.** Whenever an officer is found to have discharged a weapon negligently, he/she must undergo firearms re-certification within the next 30 days.

**I.** Officers using a Department issued firearm at an approved range for individual training purposes, other than in Department organized training, shall report the approximate number of rounds fired in the weapon to the Head Firearms Instructor.

**18 Purchase of department-issued firearm:**

In accordance with the provisions of the Maryland Annotated Code, Public Safety Article, § 3-501 (2013) a sworn officer upon retirement in good standing with this department may purchase the handgun issued to that officer for the replacement value of the handgun if the Chief of Police recommends and City Manager approves the transaction. The replacement value will be the difference between the department's original retail purchase cost and the manufacturer's trade-in allowance. The proceeds from the transaction will go to the Finance Division for deposit to the General Fund. Prior to the officer's retirement date; the following procedures will be accomplished:

**A.** The officer will submit a memorandum to the City Manager, through the chain of command, requesting approval of the transaction and stipulating that, if approved, the handgun will not be re-sold within one year following the transaction.

**B.** The officer will obtain Maryland State police 2-part form MSP 77R-2 (10/1/13), Application and Affidavit to Purchase a Regulated Firearm. The form may be obtained at any one of the 22 MSP Barracks or at the MSP Licensing Division, 1111 Reisterstown Road, Pikesville, MD 21208, telephone (410) 653-4500 or (800) 525-5555. Part 1 of the form will be completed in its entirety by the retiring officer. Sections 1 and 5 of Part 2 will be completed by the retiring officer; Sections 2b and 4 of Part 2 will be completed by Administrative Services Commander or designee; and Section 6 will be completed by the Chief of Police or designee.

**C.** The Administrative Services Commander will ensure copies of all documentation attendant to the transaction are designated for the City's Finance Division and the retiring officer's personnel file.