



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

USE OF FORCE 2014-53

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Chief Frank G. Frederickson

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1.0

Policy

Statement

Police Officers are continually confronted with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, ensure public safety, or to protect persons from harm. The degree of force used, must be objectively reasonable and necessary, depending upon the facts and circumstances known to the officer at the time of the incident. The degree of force an officer is required and permitted to use is dependent upon the seriousness of the event, amount of resistance by the subject, the subjects attempt to evade arrest by flight, and level of threat to the safety of the officers or others the situation produces. All force used shall be held to the reasonable officer's standard.

The objective of the use of force is to maintain and/or establish control over the situation. Control is achieved when a person complies with the officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or another.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather this directive will set certain guidelines and provide an officer with a basis on which to utilize his or her judgment in making reasonable and prudent decisions.

2.0

Policy

1.3.1

Personnel shall use reasonable force when force is used, based on the facts and circumstances known to the officer at the time, to accomplish lawful objectives and effectively bring an incident under control, or to protect his/her life and/or the lives of others. [1.3.1] The amount and degree of force which may be employed will be determined by the facts

and surrounding circumstances, and must be a “balanced” response appropriate for the reasonable officer’s selection in order to gain subject compliance, control, and end the threat of use of force or use of force against another or themselves.

No policy or procedure for deadly or less lethal force can cover every situation officers may encounter. Officers are expected to respond to all situations decisively and use proper judgment, restraint and competence, whatever the level of force required. The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to:

1. The seriousness of the offense/event and officers perception of those circumstances;
2. The behavior of the subject against whom force is to be used/ perceived subject action(s) as threatening to the officer or persons present;
3. Behavior of subject; resisting or attempting to evade arrest by flight.
4. Actions by third parties who may be present;
5. Physical odds against the officer; and
6. The feasibility or availability of alternative actions.
7. The facts known to the officer at the time of the incident;
8. The need to make a decision in a tense, rapidly evolving situation.

3.0 Definitions

Deadly Force-As used in this policy is defined as that degree of force which a reasonable and prudent person would consider likely to cause death or serious physical injury.

Less Lethal Force- Force that is not likely to cause serious physical harm or death but has potential to. It includes the use of approved defensive/physical tactics, chemical substances, the baton, Specialty Impact Munitions (SIM; bean bag), and K-9, electronic control weapon (Taser), and restraint chair.

Passive Resistance-The preliminary level of non-compliance, where a subject, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

Active Resistance- Advanced level of non-compliance, where a subject's resistance is increased in scope or intensity, and includes energy-enhanced physical or mechanical defiance.

Assaultive (bodily harm)-The officers attempt to gain compliance has culminated in an actual physical attack, the perception of an attack or the potential for such an attack on the officer or others which may result in bodily harm.

Probable Cause- Probable cause exists if, at the time of an arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.

Reasonable Belief-The known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury- Injury that creates a substantial risk of death or serious permanent disfigurement, or results in long-term loss or impairment of any body part or organ.

Circumstances-The officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject.

Subject(s) Action(s)-The subject(s) action(s) as perceived by the reasonable officer.

Officer(s) Response(s)-The response appropriate for the reasonable Officer's selection from the Use of Force Model's response categories, in order to maintain or gain subject compliance and control.

4.0
Parameters
for the
Use of
Less Lethal
Force

The application of less lethal force by an Officer in the performance of duty is generally limited to situations where it is necessary: **Only those sworn officers, who have been trained, are authorized to use less lethal weapons.** [1.3.4]

- 1.3.4
1. For self-defense or the defense of another against unlawful violence or attack to his/her person or property
 2. To overcome resistance to arrest, to conduct searches and seizures, and to prevent escapes from custody.
 3. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury, or
 4. To bring an unlawful situation safely and effectively under control.

5.0
Duty to Intervene

All officers of the Yarmouth Police Department should be aware of their personal responsibility during a use of force encounter. Officers shall have an affirmative duty to intervene should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer.

6.0
Tools of Immediate Need

Only issued or approved equipment will be carried on duty and used when applying any level of force. In the event an officer is faced with a situation where there is a substantial risk of physical injury or death to themselves or another, and access to approved tools and weapons is not available or tactically feasible, he or she may resort to using a tool of immediate opportunity.

In such cases an officer may use a tool or object that is in-hand or readily accessible (including but not limited to: flashlight, radio, ticket book, handcuffs) to fend off the immediate assault; however, as soon as is reasonable and practical, the officer shall transition from the tool of immediate means to department approved equipment to resolve the situation.

7.0
Handcuffing

Use of restraining devices shall be utilized on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (prisoner is handicapped, etc.). The mere placing of handcuffs, physical contact to guide subject or empty hand contact controls to guide or remove subject from an area and handcuff will not be construed to be a use of physical force.

8.0
Less Lethal Use of Force Options
1.3.4

Presence/Appearance-The image that an officer conveys may influence the outcome of the situation. The officer should be neat and well groomed, be mindful of body language, and maintain the highest level of vigilance.

Verbalization-Verbalization is verbal persuasion used by an officer attempting to defuse a situation, or verbal commands to a subject. Verbalization is present in all subsequent force options.

Aerosol Control Spray-A department issued or approved aerosol substance used to overcome resistance or an assault, deter riotous or violent behavior, or deal with armed and/or dangerous subjects in a barricaded situation. See Policy Oleo-resin Capsicum Spray Use of Less Lethal Weapons. [1.3.4]

Beanbag Shotgun- The Tail Stabilized (ALS 1212T) Flexible Baton Round is a single tear-shaped Ballistic Bag projectile with four stabilizer tails. It is filled with 40 grams of lead shot loaded into a translucent 12 gauge shell. When fired, the projectile travels at about 280 feet per second. Because the Drag Stabilized Flexible Baton is tear-shaped with four stabilizer tails, it is very aerodynamic and has a high degree of accuracy, the tear shape also creates a blunt impacting surface. The 12 gauge Drag Stabilized Flexible Baton Round is intended to be a direct fired munition. It is designed to be deployed against an assaultive subject.

Taser (Drive Stun) - Direct contact of the ECW against the suspect's body. This can be done with the cartridge in place by using the Arc Switch. A drive stun is a pain compliance technique and may be used on actively resisting suspects.

Taser (Probe Deployment) – Deployment of the probes from an ECW by pressing the trigger and hitting the suspect. Probe deployment may be used on an assaultive (bodily harm) suspect.

Physical Strength/Weaponless Hand Control-The level of force normally required to overcome passive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions. [1.3.4]

Restraint Techniques-Those techniques used to take down and control subjects who are exhibiting active resistance. These techniques may be applied by using the hands or the baton. The department does not authorize the use of neck restraints, or other similar weaponless control techniques with a potential for serious injury except in cases of imminent death or serious injury. [1.3.4]

Impact Weapons/Defensive Strikes-This includes the use of Taser (full probe deployment), canine, the baton as an impact weapon, approved striking techniques used by an officer to defend him/herself

or others from the threat of serious physical injury. See Policies Baton Use of Less Lethal Weapons and Electronic Control Device-Taser. [1.3.4]

Canine-A trained police dog utilized in conjunction with its handler. See Policy K-9 Canine.[1.3.4]

Restraint Chair-Mechanical restraint of a detainee used to protect them from injury or destruction of property. See policy Restraint Chair.[1.3.4]

9.0
Deadly Force
General
Guidelines

The purpose of the following section is to set forth guidelines for members of this department in making decisions regarding the use of deadly force. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that police officers are often called upon to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. The value of human life is immeasurable in our society.

This department places its highest value on the life and safety of its officers and the public. The department's policies and procedures are designed to ensure that this value guides officers in their use of deadly force.

10.0
Use of Deadly
Force
Parameters
1.3.2

Officers shall not use deadly force except in situations where the officer reasonably believes that the action is needed to protect himself/herself or another person from imminent death or serious physical injury. [1.3.2]

Officers may discharge their firearms only when doing so will not unreasonably endanger innocent persons.

Officers encountering a situation where the use of deadly force is necessary shall, if circumstances and safety considerations allow, issue a verbal warning first and identify themselves as an officer.

Officers shall not use deadly force to apprehend a fleeing felon unless:

1. The felony involved the use or threatened use of deadly force, and
2. The officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and

3. The escape of the felon would likely result in imminent death or serious physical injury to the officer, or another, if apprehension were delayed.

Officers shall not use deadly force in an attempt to threaten or subdue persons whose actions are only destructive of property or harmful to them not towards other persons.

11.0
Pointing of
Firearms

Officers shall avoid pointing firearms at persons in circumstances, which are clearly unjustifiable. However, in situations involving a strong possibility of great danger, the officer should carry his firearm in a position that will facilitate its speedy and safe use. While an officer should not point his weapon unless he is prepared to use it, the fact that he has done so obviously should not be interpreted as an obligation to fire. **Pointing a firearm at any person should be articulated in an officer's incident report.**

12.0
Warning
Shots and
Signaling
Device
1.3.3

The use of warning shots is not authorized. Firearms shall not be used as signaling devices or to summon assistance, except in extreme circumstances where there is no other means to communicate and where officer safety is jeopardized.[1.3.3]

13.0
Motor
Vehicles
and
Discharging
of Firearms

Officers shall not discharge their firearms at a moving vehicle, unless there is an imminent threat of death or serious injury to the officer or others and there is no apparent means of escape.

Firearms shall not be fired at a fleeing vehicle unless the officer or another person is currently being threatened with deadly force and there is no reasonable way to retreat or take safe cover.

Firearms shall not be discharged by an officer while driving or occupying a vehicle engaged in continuous pursuit except to defend himself or others when being fired upon, or when the occupants of the vehicle being pursued may have committed a felony in which deadly force was used and the officer has personal knowledge or positive information that the occupants are the actual offenders, that their immediate apprehension is necessary for public safety and that there are no other means available to prevent their escape and secure their arrest. In all cases, every precaution shall be taken to ensure the safety of the general public in the vicinity.

14.0

Use of Force Model

Each encounter an officer is involved in should be viewed as a dynamic and evolving event. This requires the officer to continuously monitor both the situation and the actions of the subject(s) involved. Based on the officer's assessments of the perceived subject actions and situation, he/she will determine to escalate, de-escalate or maintain the current force options.

The Use of Force Model used by the Municipal Police Training Committee provides basic subject classifications and potential officer responses. A subject may fit into more than one classification at a given time, and it is up to the officer to reasonably apply the necessary and appropriate force options based on the situation faced at the time.

The potential responses listed may not include all force options open to the officer at a point in time, based on his/her level of training and available equipment. It shall be stressed, as a part of this policy, that the Use of Force Model is a guideline and suggested courses of action but are not the only course of action. The degree of force used, must be objectively reasonable and necessary, depending upon the facts and circumstances known to the officer at the time of the incident. The degree of force an officer is required and permitted to use is dependent upon the seriousness of the event, amount of resistance by the subject, the subjects attempt to evade arrest by flight, and level of threat to the safety of the officers or others the situation produces. All force used shall be held to the reasonable officer's standard.

Classification	Response Options
Compliant subject Level 1	<p>This person complies with officer requests/orders and offers no resistance either verbal or physical. The vast majority of persons an officer will encounter are in this classification.</p> <p>Potential responses, including but not limited to: Communication skills; physical contact to guide subject; or compliant handcuffing techniques.</p>
Passive Resistant subject Level 2	<p>The preliminary level of non-compliance. While the subject does not comply with officer requests/orders and may issue verbal non-compliance, there is no physical resistance or flight.</p> <p>An example is a person that goes limp or lies on the ground, but offers no resistance to being handcuffed or moved by officers.</p> <p>Potential response, including but not limited to: Empty hand contact controls to guide or remove subject from an area and handcuff. Electronic control weapon (Taser) laser activation display or spark activation display.</p>

<p>Active Resistant subject Level 3</p>	<p>Non-compliance now includes physical effort or flight by the subject that is directed at avoiding the arrest, not at assaulting the officer.</p> <p>Examples include flight by either foot or conveyance, laying on ground and locking arms under body, holding on to other persons or objects, or tensing up, twisting or pulling away from the officer.</p> <p>Potential responses, including but not limited to: Empty hand techniques to gain control (wristlock, arm-bar); distraction techniques, joint manipulation, pressure points); chemical irritants (OC), baton arm-lock, restraint chair, or electronic control weapon (Taser) drive stun.</p>
<p>Assaultive / Bodily harm Level 4</p>	<p>The Officer perceives that a subject is preparing to assault, is currently assaulting, or has assaulted the officer or another person with force that will not cause serious injury or death.</p> <p>Examples include empty hand assaults such as pushing, shoving, punching, wrestling or grasping.</p> <p>Potential responses, including but not limited to: Defensive tactics designed to cease the non-lethal assault such as empty hand strikes (elbow, knee, head-butt, kicks, punches, and blocks); or less-lethal weapons (baton strikes, blocks, restraint chair, beanbag shotgun, or electronic control weapon (taser) probe deployment.</p>
<p>Assaultive / Serious Bodily Harm or Death Level 5</p>	<p>The Officer perceives that an assault on him/herself or another has risen, or is about to rise, to a level with the potential to cause serious injury or death.</p> <p>Examples include empty hand attacker trying to disarm an officer, strangling, and assaults with weapons.</p> <p>Potential responses: While a Department-issued or approved firearm is the preferred response in a lethal force encounter, it is recognized that a situation may arise where an officer has been disarmed or is caught unaware by a sudden and violent assault. If such occurs, the following options should also be considered: less-lethal weapons (including but not limited to: baton strikes to red target areas, beanbag shotgun or electronic control weapon-Taser); or empty hand strikes or holds to lethal target areas.</p>

15.0

Medical Aid
1.3.5

In an effort to minimize pain, suffering and further injuries, Officers shall, as soon as practical, render appropriate medical aid (based on

officers training on level of care) to individuals after the use of lethal or less lethal weapons, less lethal force or other use of force incidents as defined by this policy, whenever a person: [1.3.5]

1. Has a visible injury
2. Is unconscious
3. Complains of injury or requests medical attention

The Fire Department may be asked to perform an examination of the subject either at the scene of the deployment or at the police station. All medical attention received shall be noted in the officer's report. [1.3.5]

The officer shall promptly notify his immediate supervisor of the incident and as soon as practical. Officers shall attempt to locate and identify all witnesses, documenting their statements.

16.0
Duty to
Report Use of
Weapon or
Physical
Force
1.3.6 a-d

Department personnel shall submit a written report to the Chief of Police whenever they:

1. Apply force through the use of any lethal or less lethal weapon [1.3.6 c]
2. Apply weaponless physical force, such as weaponless hand control, restraint techniques, or force involving the use of striking techniques, that results in visible injury or alleged injury to an arrestee. [1.3.6 d]
3. Take actions that result in or are alleged to have resulted in an injury or the death to another person, [1.3.6 b]
4. Discharge, deliberately or unintentionally, of a department authorized firearm or less lethal weapon, whether on or off duty, other than for training, ballistic identification, weapon maintenance, legal hunting, legitimate firearms competition, or target practice at an approved range. [1.3.6 a]

Note: If an officer(s) applies force at any level, appropriate criminal charges should be filed for the actions or conduct which resulted in the application of force.

In addition to submitting an incident report, officers shall also submit a Firearms/Weapons Discharge Report or Use of Force Report, as appropriate.

These reports shall be reviewed and signed by the Shift Commander and submitted to the Chief of Police. A copy shall be forwarded to the Deputy Chief of Police.

17.0
Review of
Reports
1.3.7
1.3.13

Copies of all reports concerning the discharge of firearms/weapons or use of physical force shall be forwarded to the Patrol Division Commander, who shall review the incident to determine whether the use of force was consistent with department policy, department training, and officer/public safety. In cases where the Patrol Division Commander is involved in the incident under review, the Chief of Police will assign a supervisor not involved in the incident the review responsibilities. [1.3.7] The Patrol Division Commander may also utilize the input from the Department Firearms instructor.

Available video and audio footage for any use of force that occurred in the booking room or cell block area should be reviewed by the reviewing lieutenant and saved with the use of force report.

The Chief of Police with the assistance from the Patrol Division Commander will conduct an annual analysis use of force reports. [1.3.13] Use of Force reports shall be stored and filed by the Patrol Division Commander. Any information or reports released to the media shall be at the discretion and authorization of the Chief.

18.0
Investigation
When Use of
Force Results
in a Death or
Serious Injury

Whenever a Department member acting in an official capacity performs actions or uses force that results in death or serious physical injury, the Shift Commander shall immediately notify the Patrol Division Commander and Chief of Police through the appropriate chain of command.

The Cape and Islands District Attorney's Office and State Police CPAC shall be notified in the event that use of force results in a death. In the event of a fatal motor vehicle crash, the Cape Cod Regional Law Enforcement Council Crash Reconstruction Team, or State Police Crash Analysis and Reconstruction Team shall be notified immediately.

The Chief of Police will assign the Deputy Chief of Police, a Lieutenant, or Detective Sergeant to investigate the matter as an administrative internal investigation. If the Deputy Chief of Police or

Detective Sergeant is involved in the incident, the Chief of Police shall assign a Superior Officer to internally investigate the matter.

The authority and responsibility for final departmental disposition of the administrative internal investigation rests solely with the Chief of Police.

During the course of the investigation, no police personnel will give information concerning the incident to any members of the public or news media without the express authority of the Chief of Police. See Policy Public Safety Statement, Internal Affairs

19.0
Shift
Commander
Officer
Responsibilities
In a Death or
Serious Injury
1.3.6 b

The Shift Commander shall file a preliminary report prior to the conclusion of the tour of duty during which the incident occurred, and will complete a detailed incident report and submit it to the Chief of Police as soon as possible. [1.3.6 b]

The Shift Commander shall preserve the weapon(s) used in the incident in the condition that he/she finds it, following proper evidence procedures. If the incident involves a Department vehicle, any vehicle involved should not be moved unless safety is a concern. The Shift Commander shall photograph vehicles in their resting position and the surrounding area prior to moving any vehicle.

The Armorer will be contacted by the Shift Commander to issue a replacement weapon to the officer immediately; in instances where this is not possible, the officer will be advised when a replacement weapon will be issued.

20.0
Employee
Re-assignment
1.3.8

Any Department employee whose actions or use of force results in death or serious physical injury shall be immediately re-assigned to temporary administrative duty or administrative leave approved by the Chief, **pending an administrative review**. The employee involved may be taken to the hospital or physician for evaluation due to the abnormal stress placed on him/her in these circumstances. [1.3.8]

Employees involved will be provided an opportunity to contact their family as soon as possible after the incident, so that the family does not learn about the incident through other sources.

Employees, when practicable, should advise union leadership of the specific circumstances. Union representatives may be allowed to be with the officer (s) in an advisory capacity if requested.

This re-assignment shall be with no loss of pay or benefits and is

intended to:

1. Address the personal and emotional needs of the employee involved in the incident, and
2. Assure the community that verification of all facts surrounding the incident is fully and professionally explored.

Whenever an employee is involved in an incident that results in a serious injury or death, the officer/employee will be referred to the appropriate employee assistance program. An employee assigned to administrative duty or leave, shall remain on duty or leave until an administrative review is concluded by a supervisor not involved in the incident and the officer/employee needs are met.

Employees assigned to administrative duty shall be available to assist the department in the investigation of the incident. Re-assignment should not be considered by any person as a punishment or an indication of wrongdoing by the involved employee.

21.0

Requirements for Issuing Departmental Weapons

1.3.9 e

1.3.10

1.3.12

Personnel shall be issued this policy, and any other applicable use of force policy or procedure, and be instructed in it prior to being authorized to carry any weapon. This provision includes new officers receiving initial weapons, and veteran officers who are issued a new type of weapon. The policy issuance and instruction shall be documented. [1.3.12]

Only officers trained, demonstrating appropriate proficiency, and qualified with a particular weapon may be issued that type of weapon. This includes both new Officers receiving initial weapons and veteran officers issued a new type of weapon. [1.3.10]

All issued weapons will be signed for by the receiving officer on an inventory form. This form will also be signed by the issuing officer (Armorer or Firearms instructors) and shall be properly dated and contain the make, model, description and serial number of the weapon (if available). This will include Reserve Police Officers. Review policy Firearms Department Issued. [1.3.9 e]

22.0

Weapons Lethal/Less Lethal

Training and qualifications shall include the legal, moral and ethical aspects of firearms and weapons use, use of force, safe handling and proficient marksmanship. Officers shall receive annual documented

Training and
Qualification
1.3.11a-c

training on the Use of Force policy (policy distributed) by the departments Firearms Instructor and bi-annual weaponless control technique training by a certified instructor in conformance with standards set by the Massachusetts Police Training Committee. Firearms training re-certification shall be required semi- annually. The instructor shall document the officer's weapons, scores, and training information on the appropriate forms. The department issued firearm will be used for this training and off duty weapons if applicable.
[1.3.11 a b]

The department firearms instructor(s) shall be certified by the MPTC (or approved MPTC agency) as a weapons proficiency trainer instructor and will develop and implement remedial training for any officer who fails to qualify with their department issued firearm. This should be addressed and remedied at the range on the day of training. If this cannot be accomplished the firearms instructor shall reschedule as soon as practical without unnecessary delay. [1.3.11 c]

An officer who fails to qualify shall be reassigned to in-house duty until successfully re-qualifying. In any case, a department certified firearms instructor shall coordinate arrangements for re-qualification and intensified in-house training, if needed. Officers failing to qualify will not be allowed to perform duties outside of the police station and will not be allowed to remove the department issued firearm from the station. The firearm shall be secured in the officer's locker at the end of their tour of duty and prior to leaving the police station.

In the event that an officer on their third attempt at recertification fails to qualify for a third time, the Deputy Chief of Police and the Firearms Instructor will review the matter as an administrative internal investigation. The Chief of Police will take an action to remedy the problem to include, but not be limited to, an administrative schedule, outside training, suspension, or termination for failing to maintain standards of the police profession.

Reserve Police Officers, who fail to qualify, shall immediately surrender the department issued firearm to the armorer or firearms instructor. The employee will not be allowed to participate in any training until the issue is resolved.

23.0

Requirements for Carrying Departmental Weapons

1.3.9 e f

Only weapons and ammunition that are authorized by the agency shall be used by agency personnel while in the performance of their responsibilities. [1.3.9] Review Policy Firearms Department Issued.

Police Officers may be subject to disciplinary action for the following:

1. For not exercising good judgment with respect to carrying firearms when their physical or mental health is impaired.
2. For carrying firearms not specifically authorized by the Department.
3. For carrying authorized weapons without required training.
4. For violation of the aforementioned guidelines.

The Department Armorer shall retain an itemized list of all authorized weapons and ammunition, including their types and specifications. Any weapons not issued will be maintained in good working order and secured in the department armory. [1.3.9 e f]

24.0

Carrying Off-Duty Firearms

1.3.9

1.3.10

1.3.11

Any firearm that an officer routinely carries on his/her person while off-duty, for protection, or to enable him/her to take action as an Officer, excluding the Officer's issued service firearm, will be considered an off-duty firearm.

Any officer who desires to carry an off-duty firearm for protection or to enable him to take an action as an officer shall first submit a Yarmouth Off-Duty Firearm Request Form detailing a complete description of the firearm and ammunition to the Supervisor of Training. The request will be reviewed with the Department Armorer, the officer will qualify at the range, and the form and qualification record will be forwarded to the Chief of Police for approval. [1.3.9] Once approved, the use of the off-duty firearm is governed by the Department's Use of Force policy and the Officer is subject to annual qualification with said firearm.

[1.3.10][1.3.11] Only department-approved ammunition may be carried in authorized off-duty firearms. No approved off duty firearm can be modified in any manner unless approved by the Chief of Police upon recommendation of the Department Armorer.

This policy will not prohibit an officer from carrying any off-duty firearm that he/she wishes in conjunction with his/her license to carry firearms. Officers should be aware that failure to seek approval of off-duty

firearms may result in the failure of the department to indemnify an officer in an action resulting from its use for law enforcement purposes.

It is recommended that all approved off duty firearms be carried in a type of holster that includes a safety thumb-locking mechanism approved by the Chief of Police or his designee.

25.0

Maintenance and Inspection of Weapons 1.3.9 c d

A qualified weapons instructor or armorer will review, inspect and approve all weapons prior to them being issued and carried by an officer or member of the department. Any weapon returned to the Department Armory will be documented and inspected by the Armorer. All inspections will be documented. This will include Taser, pepper spray and baton. [1.3.9 c]

A weapon that malfunctions or fails an inspection due to a mechanical defect will be returned to a department armorer as soon as practical. [1.3.9 d]

Officers are responsible for the proper care and maintenance of all issued weapons and ammunition, including keeping issued firearms clean, lubricated and in good working order at all times.

No officer shall alter or modify any department issued firearm, taser, impact weapon, aerosol control spray, baton, chemical munitions or ammunition without the express permission of the Chief of Police.

26.0

Weapons Safety 1.3.9 d

Officers shall adhere to department range safety rules at all times when handling an authorized firearm.

Any officer possessing an unsafe weapon shall secure the weapon and report the problem to their immediate supervisor, who shall notify an armorer. The secured weapon will be turned over to the armorer, who will take remedial action and/or replace the weapon, as required. [1.3.9 d]

Under no circumstances will an officer be required to carry a malfunctioning weapon; such weapon will be examined and serviced/repared by an armorer (in the case of a firearm) or other qualified person before any further use.

27.0

Department members shall ensure the safe and proper storage of their Department issued firearms and Taser. Unsecured firearms and Taser

Firearms and
Taser
Storage
1.3.9 f

shall not be left unattended. [1.3.9 f] A department issued firearm or Taser left at the station after a tour of duty, shall be maintained in a secure gun locker or properly secured in a locked personnel locker. [1.3.9 f]

If an officer takes a department-issued firearm home, they shall follow all legal requirements in securing their weapon, including removing any ammunition from the weapon, and securing it in a locked gun case or with a gun lock when left unattended. [1.3.9 f]