

Stowe Police Department

<p>General Order: 2.03.1</p> <p>Firearms</p>	<p>Related General Orders:</p> <p>2.01 Use of Force/Response to Resistance</p> <p>2.02 Use of Force/Response To Resistance Reporting</p>
<p>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</p>	
<p>Applicable Vermont Statutes:</p>	
<p>Date Implemented: 09/12/2012</p>	<p>Date Revised: 04/14/2015</p>

I. PURPOSE:

1. To set forth guidelines and regulations for the type of firearms and ammunition authorized by the Stowe Police Department, and to ensure proper training and qualification procedures for all personnel.
2. To outline general guidelines for the carrying and use of firearms by Stowe Police Department personnel.

II. POLICY:

1. It is the policy of the Stowe Police Department to equip and train its officers so they may perform their duties in a safe and responsible manner.
2. The use of all weapons shall be in accordance with General Order 2.01 Use of Force.

III. DEFINITIONS:

Active Aggression: Behavior that creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.

Active Resistance: A subject using physical activity to resist or takes an affirmative action to defeat an officer's ability to take him/her into custody or to seize him/her, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to him/herself, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling and not complying on physical contact, or other energy enhanced physical or mechanical defiance. Refusing to move upon verbal direction or chaining oneself to an object does not constitute active resistance.

Authorized Weapons: Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.

Critical Firearm Discharge: A discharge of a firearm by a Stowe Police Department officer to the extent such discharges are authorized under this General Order. Range and training discharges, and discharges at animals are not included under this section.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, chokeholds or hard hand control, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and the minimum amount of force that is necessary to effect an arrest, or protect the officer or other person, is used.

Great Bodily Harm/Serious Physical Injury: Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Imminent Threat: An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

Level of Control: The amount of force that an officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Non-Deadly: Any force used by an officer that would not reasonably be expected to cause death.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, *Graham v. Connor*, 490 US 388 (1989.)) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Passive Resistance: When a subject does not cooperate with an officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Special Circumstances: Special circumstances include situations where an officer has reason to believe the subject is:

- Operating a motor vehicle.
- Standing in an elevated area, near water, or near flammable materials (including but not limited to alcohol-based chemical sprays).
- Restrained.

Special Populations: Members of special populations include subjects an officer has reason to believe are:

- Cognitively impaired such that they are unable to comply with an officer's instructions.
- Experiencing an emotional crisis that may interfere with the ability to understand the consequences of their actions or follow directions.
- Persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions.
- Under 18 years of age.
- Pregnant.
- Over 65 years of age.
- Physically infirm, subject to or diagnosed with a heart condition, or epilepsy, or a seizure disorder.

Verbal Commands: The use of advice, persuasion, and/or warnings prior to resorting to actual physical force. In an arrest situation officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

IV. PROCEDURE:

GENERAL

1. Sworn personnel of the department who are authorized to carry firearms shall exercise the utmost care and caution in the use.
2. Sworn personnel may carry only approved firearms within the provisions of Department policy and any applicable State or Federal law.
3. Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.
4. Carrying a Department firearm while on suspension or during a leave of absence, where the officers' official commission is suspended, is prohibited.
5. All firearms, carried on duty, must be registered with the Department.
6. The carrying of a second handgun while on duty may be allowed only with the permission of the Chief of Police.
7. Only firearms and ammunition authorized by the Department shall be used in the performance of duty.
8. Officers will not point their firearm at a person unless circumstances create a strong reasonable cause to believe that it may be necessary to lawfully use the firearm in conformance with other sections of this General Order.
9. Officers will secure and store their firearms, both on and off duty, in such a manner as to deter unauthorized persons from gaining control over the weapon.
10. Officers will immediately report any loss or theft, of a firearm, to the Department.
11. Each annual firearms qualification will include a review of the Department's Use of Force Policy.
12. The Chief of Police, any Sergeant and/or firearms armorer or firearms instructor may conduct inspections of all department firearms.

HANDGUNS

1. All sworn officers of the Department will be issued a handgun to carry while on duty. The Department issued handgun will be a Glock, .40 caliber semi-automatic pistol.
2. Carrying a personal handgun in lieu of the Department issued handgun will not be allowed.
3. After successful qualification, Police Officers may carry their department issued handgun.
4. Officers will carry their handgun as instructed by firearms instructor.
5. Handguns carried on or off-duty shall be maintained in a clean and serviceable condition.
6. When in the course of checking or using the handgun, an officer finds a defect or malfunction, the officer shall notify a supervisor and/or armorer. If ammunition or magazines are found to be defective, an officer will notify a supervisor and/or armorer. Only after the handgun and ammunition has been replaced, repaired and inspected by the armorer will they be placed back in to service.
7. All handguns will be inspected at a minimum once a year by the firearms instructor and/or the armorer.
8. **Any handgun that does not pass inspection will be immediately removed from service.**
9. Any handgun that is stored in an officer's locker will be unloaded, have the magazine removed and chamber empty, unless it is stored in an approved holster. Any handgun that is stored in the armory will be stored unloaded, with magazine removed and chamber empty. Officers unloading their handgun will utilize the Bullet Trap.

RIFLE

1. The Department utilizes the Colt and Bushmaster AR-15/M4 style, .223 cal. rifles.
2. The patrol rifle will be carried by authorized/certified officers while on duty.
3. Only Department issued rifles and issued ammunition will be carried on duty by any officer.
4. Carrying a personal rifle in lieu of the Department issued rifle will only be allowed if permission has been granted by the Chief of Police.

5. Officer will keep a rifle with them in the cruiser in a secured rifle mount or in a protective case. Officers shall check the weapon at the start of their tour of duty. Officers are responsible for the general cleaning and inspection of the rifles. Any problem discovered with a rifle or the ammunition shall be reported to a supervisor.
6. The rifle does not need to be removed from the vehicle at the end of the officer's shift as long as it is secured in the rifle mount or protective case. The vehicle will also be locked if unattended or not in use.
7. When the rifle is in the cruiser it will be kept with the action closed on an empty chamber, safety ON, loaded magazine in magazine well. A spare magazine will be kept with the rifle.
8. The rifle will be kept in the rifle rack or rifle case when not in use. The rifle will not be removed for display purposes. At no time shall the rifle have a chambered round while in the rifle rack or in the rifle case.
9. The safety will be in the on position at all times when not in use.
10. If a round is chambered, the rifle will be cleared and made cruiser ready as soon as the condition that caused the rifle to be deployed has ended.
11. Once deployed and no longer needed, the rifle will be made safe and secured in the cruiser rifle rack or rifle case as soon as possible.
12. When in the course of checking or using the rifle, an officer finds a defect or malfunction, the officer shall notify a supervisor and/or armorer. If ammunition or magazines are found to be defective, an officer will notify a supervisor and/or armorer. Only after the rifle and ammunition has been replaced, repaired and inspected by the armorer will they be placed back in to service.
13. Each rifle will be inspected at least once a year by the rifle instructor and/or armorer and written documentation will be maintained by the Training Sergeant.
14. **Any rifle that does not pass inspection will be immediately removed from service.**

FIREARMS QUALIFICATIONS

1. All officers must pass a firearms qualification course with any authorized duty firearm before carrying it on duty.
2. The Stowe Police Department will provide firearms training in accordance to Vermont Police Academy and Department standards.

3. All sworn personnel shall pass a qualification course with their duty handgun(s), at a minimum annually.
4. All sworn personnel shall pass a qualification course with the rifles, at a minimum annually.
5. All sworn personnel shall pass a qualification course with their secondary/off duty handgun annually. An officer must pass a handgun qualification course with any authorized secondary/off duty handgun before carrying it on duty. The officer will supply the ammunition for any secondary/off duty handgun.
6. All courses for firearm qualification and proficiency will meet Vermont Police Academy and/or Department standards.
7. Firearms qualification includes achieving minimum scores on prescribed courses of fire, attaining and demonstrating knowledge of the laws concerning the use of firearms, and being familiar with, and exercise safe handling procedures for the use of firearms. Officers must demonstrate the ability to break the weapon down for cleaning purposes, and reassembling it, restoring it to firing condition.
8. Members that are unable to shoot a qualifying score with any Department firearm will be placed on administrative-duty and relieved of his/her duty weapon and additionally will not be allowed to carry any firearm. The officer will be required to attend additional range training with a Firearms Instructor. After the first failure the officer will receive an additional (4) hours of range instruction. If the officer is still unable to qualify the officer will receive another four (4) hours of range instruction. Within fourteen (14) days the officer may challenge the firearms qualification course and the officer will be restored to full duty if a passing score is achieved. The officer can challenge the firearms course two (2) times within the fourteen days. If the officer fails to qualify that officer will be suspended from duty for thirty (30) days. During the thirty (30) days the officer may be required to undergo physical examination by a department approved physician and/or may be required to attend firearms training at the Vermont Police Academy or with another firearms instructor from another department. The officer may challenge the qualification course two (2) times within the thirty (30) day period. If after thirty (30) day period the officer cannot meet the minimum firearms qualification standard that officer will be terminated from employment as being unable to perform his/her duties.

AMMUNITION

1. Duty ammunition will be provided by the Department for all Department issued firearms. All members on duty will carry the Department approved amount loaded in the Department firearms and in any firearm magazine.
2. Only Department issued or authorized ammunition may be carried on duty.

3. No other type of ammunition will be authorized without specific prior approval from the Chief of Police.

4. A firearms instructor will be the only person with access to the ammunition locker and the person who issues all ammunition.

SPECIAL WEAPONS

1. Only those officers who have shown a proficiency in the use of special department firearms will be authorized for their use. The Chief of Police shall determine which officers are authorized to use special firearms.

INSPECTIONS

1. Firearms carried on or off-duty shall be maintained in a clean and serviceable condition.

2. Any firearm that does not pass inspection will be immediately removed from service. A Department handgun will be issued to the officer until his/her handgun is serviceable or repaired, and inspected.

3. Any unsafe or unauthorized equipment shall be reported to the Officer's supervisor.

4. The Chief of Police, any Supervisors or firearms instructors or firearms armorer may conduct unannounced inspections to ensure that personnel are carrying only authorized weapons and ammunition and that all weapons/equipment are clean.

RANGE PROCEDURES

1. All Department firearms training will be supervised by a Department Firearms Instructor(s).

2. The Firearms Instructor(s) will be in charge of all personnel while participating in any shooting program on the range.

3. Members may use a Department substitute firearm if their firearm is not usable at that time.

4. Members will be required to wear ear and eye protection at all times. Members will wear appropriate clothing for the range or clothing specified by the Firearms Instructor(s). Bullet proof vests will be worn by each member while at the range.

5. Any member sustaining an injury while on the range will immediately report it to the Firearms Instructor. A written report will be made by the Firearms Instructor to the Chief of Police, through the chain of command.
6. Any incidents on the range involving firearms, misconduct, or violations of department rules will be reported to Chief of Police, through the chain of command, by the Firearms Instructor. The Firearms Instructor has the authority to order members off the range in cases of serious misconduct.
7. All members are on duty while at the range and all rules and regulations apply.
8. No civilians will participate in Department sanctioned firearms/range training without permission of the Chief of Police and the firearms instructor.
9. All officers shall adhere to all range rules and regulations.
10. The Firearms Instructor(s) shall complete a range qualification report after every training session and submit it to the Training Sergeant.

MISCELLANEOUS

1. All officers will carry their duty and any secondary handgun in a Department issued holster or approved holster or case.
2. No officer will internally or externally modify any mechanical operating component of their firearm, from factory specifications. Any repairs to a Department firearm will be done by the Department armorer or Department authorized vendor.
3. An officers Department issued firearm will not be loaned to another officer without permission of a supervisor. Department firearms will not be loaned to any non-department individual(s) without permission of the Chief of Police. No person other than Stowe Police Department Officers shall be permitted access to any department-owned firearm, with the exception of: police officers from other jurisdictions in the official performance of their duty; for repair or maintenance as approved by the department; or other circumstances with the express permission of the Chief of Police.
4. Department Bullet Trap is to be utilized for safety while unloading and loading firearms. Any officer who is loading or unloading any firearm in the police building will utilize the bullet trap.
5. Department handguns may be carried as off-duty weapons in accordance to Department policies. The carrying of Department handgun while off duty weapons will be governed by the Department General Order on Use of Force. Any off-duty firearm that is not issued by the Department will not be carried under the auspices of the Stowe Police

Department and the Town of Stowe unless authorization has been granted by the Chief of Police and Department policies are complied with.

INVENTORY/LOG

1. The Department Firearms Instructor(s) and Training Sergeant shall maintain, and update annually, a log, of all Department firearms. Information will include:

- Manufacturer of Firearm
- Model of Firearm
- Caliber
- Serial number
- Officer Issued (Name)

2. The Department Firearms Instructor(s) and Training Sergeant shall maintain, and update annually, a Firearms Log, of any back-up/secondary firearm an officer is authorized to carry while on duty.

3. A copy of the Department weapon log shall be kept with the Chief of Police. The Department weapon log will be updated upon the purchase or sale of any firearm.

WEAPON SECURITY

1. All officers are responsible for the security of any firearm assigned to them. Officers will secure and store firearms, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All Department firearms kept at home must be secured in a safe place inaccessible to family members, especially children.

2. All vehicles SHALL be locked when unattended or not in use.

3. Vehicles that are sent out for repair or service will have ALL firearms and any ammunition removed from the vehicle and stored appropriately.

4. The Department has a Bullet Trap that will be used for safely unloading and loading of firearms.

V. DISCIPLINE:

1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police