

| ADEL POLICE DEPARTMENT | | |
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| Policy #: O-103 Weapons | Related Policies: 0-101 | Review: A |
| <i>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 for the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | | |
| Applicable State Statutes: O.C.G.A 16-11-130 | | |
| Georgia Law Enforcement Certification: 1.11,1.12, 1.13, 1.14, 5.17, 6.14, 6.15 | | |
| Effective Date: 04152006 Revised Date: 01242011 10042013 02212017 10032019 | Distribution Authorization: <i>Chief Chad L. Castleberry</i> | |

POLICY

Weapons are issued and/or available to officers of the Adel Police Department for their protection and for necessary use in the performance of their duties. The availability of weapons to Department personnel and the legal authority for their use reflects a very special public trust and creates a heavy responsibility for the appropriate, professional execution of that authority. This public trust will not be abused by Department personnel through the misuse of authorized weapons or the use of unauthorized weapons. The possession and use of weapons by Department personnel shall be in strict adherence to all applicable State and/or Federal laws and academy and/or Department training.

GENERAL INFORMATION

This order is provided for the guidance of personnel of the Adel Police Department. It is enforceable only through internal departmental disciplinary processes. It is not intended to create a greater legal obligation on the Department or its officers in terms of criminal or civil liability than applicable state or federal statutes. The possession prohibitions contained in subsequent sections of this directive do not apply to weapons and/or ammunition possessed or received by Department personnel for evidentiary purposes.

PURPOSE

- 1) To identify the weapons available to Department personnel for the performance of their duties.
- 2) To restrict the weapons used by Department personnel to those issued by the Department.
- 3) To provide guidance for Department personnel in the off-duty possession and use of weapons.

DEFINITIONS

ACTIVE AGGRESSION – The act of participating or engaging in hostile or destructive behavior.

AGGRAVATED ACTIVE AGGRESSION – The act of using hostile or destructive behavior to prevent arrest with the intent to cause or that causes serious bodily injury through the use of a dangerous weapon.

ACTIVE RESISTANCE – Engaging or participating in an action that uses force to oppose or retard an arrest.

DEFENSIVE RESISTANCE – The act or instance of using force to prevent an arrest.

PASSIVE RESISTANCE – Not using force or effort to oppose or retard an arrest.

PROCEDURES

A. Sidearms

- 1) No officer of the Department is authorized to carry or possess while on-duty any sidearms unless he/she has received training in Department policies and procedures regarding sidearms and the use of force and demonstrated his/her understanding of such policies and procedures through Department testing processes.
- 2) No officer of the Department is authorized to carry or possess while on-duty any sidearm other than that with which he/she has demonstrated his/her proficiency by successfully completing the Department-approved qualification course for that particular weapon as described in Section E of this order.

- 3) Uniformed Department personnel will carry for primary on-duty use only those sidearms issued to them by the Department, a Glock Model 22 in .40 caliber 17 in 9mm caliber. (02/21/17) Sworn officers assigned to plain clothes or administrative duty may purchase at their own expense a compact model of the Department issued weapon; a Glock Model 27; for primary on-duty use with prior approval of the Chief of Police will also be issued a Glock model 43 as a secondary weapon. (10/03/19) The carrying of this weapon will be subject to all requirements as prescribed by Department policy.
- 4) No ammunition for sidearms other than that which is issued by the Department will be used (~~Winchester Ranger S&W .40caliber 180gr.JHP T-Series, Model RA40T~~) (Hornady Critical Duty 9mm 135 gr. + P flex lock). (10/03/19) The on-duty possession of sidearm ammunition not issued by the Department will be grounds for disciplinary action.
- 5) All officers will keep their issued sidearms cleaned, oiled, free from rust or corrosion, and in perfect firing condition at all times.
- 6) No modification, alterations or adjustments will be made to Department-issued sidearms without prior written approval of the Chief of Police or the Assistant Chief of Police.
- 7) Except for maintenance, inspection or training (10/03/19) an officer shall not draw or display his sidearm ~~except for legal use or official inspection~~ unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with policy. (10/03/19)
- 8) Officers who are taking prescribed or over-the-counter medication shall report this fact to their immediate supervisor who shall make a determination of the officer's fitness for armed or unarmed duties.
- 9) Secondary or "back-up" weapons ~~carried on-duty must be approved by the Chief of Police or the Assistant Chief of Police~~ are issued by the department. (10/03/19) All "back-up" weapons will be kept secure in an approved holster in a concealed manner. Back-up weapons must meet the same criteria as ~~off-duty weapons~~ primary issued weapons, (10/03/19) including weapons qualification as described in Section E of this order.

B. Sidearms (Off-Duty)

- 1) The off-duty possession of a sidearm while out in the public and within the City of Adel is strongly encouraged in order that off-duty officers may be prepared to intervene in emergency situations requiring immediate police attention. Although the off-duty possession of a sidearm is encouraged, the requirements under the Georgia Firearms and Weapons Act shall be strictly adhered to. (16-11-126 to 16-11-130) Under this act a certified peace officer may only carry a weapon off-duty if he/she would meet the standards required for issuance of a firearms license under state law. (Opinion Attorney General U84-23, May 30, 1984; U87-28, October 30, 1987) Officers under the age of 21 may only carry a weapon when lawfully engaged in official duties.
- 2) The off-duty carrying of sidearms is subject to the same conditions and restrictions outlined above at all times when off-duty officers are out in the public within the City of Adel, with the following exception:
 - a) Off-duty officers may carry a Department-approved non-issued sidearm, provided that the officer has met the Department's qualification standards for such weapon as described in Section E of this order and that the weapon is loaded with Department issued ammunition or approved standard factory ammunition.
 - b) The following weapons may be approved by the Chief of Police or the Assistant Chief of Police for off-duty use:
 - .38 double-action revolver, 2" or 4" barrel
 - 9mm semi-automatic pistol, single or double action firing
 - .380 semi-automatic pistol, single or double action firing
 - 40 cal. semi-automatic pistol, single or double action firing
 - 45 cal. semi-automatic pistol, single or double action firing

- 3) Off-duty officers who are carrying a sidearm will also have in their possession their badge and Department ID card.
- 4) Officers in civilian clothing will wear sidearms in such a manner as to conceal the weapon from public view.
- 5) Carrying firearms while consuming or under the influence of alcoholic beverages is prohibited.
- 6) Officers, when not on duty, will secure their department issued sidearm while not being utilized in a safe place, unloaded and secured with a department issued gunlock.

C. Shotguns

- 1) All certified officers from the rank of Lieutenant down will be issued and required to qualify annually with the Department issued shotgun. (Remington Model 870 12ga pump). All officers to whom a shotgun is issued will be required to bring his/her issued shotgun with them when coming on duty and carry them home when they get off duty. Shotguns will be carried in the shotgun rack in the patrol units, and will be carried in the gun sleeve locked in the trunk of the unmarked cars.
- 2) No officer of the Department is authorized to carry or possess while on-duty any shotgun other than that on which he/she has demonstrated his/her proficiency by successfully completing the Department approved qualification course for such weapon within the previous twelve months.
- 3) Only shotguns issued by the Department are approved for on-duty use. Exceptions to this requirement may be granted by the Chief of Police or the Assistant Chief of Police under emergency circumstances.
- 4) No ammunition for shotguns other than that issued by the Department will be used (Federal Tactical 12gauge, 9 pellet 00Buck #LE12700, Winchester Ranger low recoil 12gauge 2 ¾ 1oz. slug hollow point). The on-duty possession of any shotgun ammunition not issued by the Department will be grounds for disciplinary action.

- 5) All officers will maintain shotguns issued to them or placed in their care clean, oiled, free from rust or corrosion, and in perfect firing condition at all times.

D. Rifles

- 1) The Department currently issues two ~~(2) different rifle platforms to its senior patrol personnel. The Springfield Amory M-14 in 7.62 caliber and (10/03/19) the Smith and Wesson M&P 15 in 5.56mm.~~ The weapon platform is a shoulder fired, gas operated, magazine-fed, air cooled, semi-automatic rifle.
- 2) No officer of the Department is authorized to carry or possess while on-duty any rifle other than that on which he/she has demonstrated his/her proficiency by successfully completing the Department approved qualification course for such weapon within the previous twelve months.
- 3) Only rifles issued by the Department are approved for on-duty use. Exceptions to this requirement may be granted by the Chief of Police or the Assistant Chief of Police under emergency circumstances.
- 4) No ammunition for rifles other than that issued by the Department will be used (~~Hornady .308 110gr. TAP Urban #80896LE for M-14, (10/03/19) (Hornady .223 55gr. TAP Urban #83276LE for M&P15).~~ The on-duty possession of any rifle ammunition not issued by the Department will be grounds for disciplinary action.
- 5) All officers will maintain rifles issued to them or placed in their care clean, oiled, free from rust or corrosion, and in perfect firing condition at all times.
- 6) At no time will issued rifles be placed in the driver/passenger compartment unsecured. Rifles will be stored in the trunk in the departmentally approved locking device or container. The rifle will be carried in "Condition Ready"; meaning the rifle will have a loaded magazine inserted into the magazine well, and the rifle on safe. Officers are not to carry the weapon with a round in the chamber while the rifle is in the vehicle mounted locking device.
- 7) The use of the rifle is categorized as deadly/lethal force. The use of the rifle must be in strict compliance with this

department's GO-101 *Response to Resistance* Section A, *Deadly Force* and departmental training.

E. Department Firing Range and Firearms Practice

- 1) The Department firing Range will only be used for authorized training and a certified Department approved firearms instructor must be on the range at all times in which live fire training and practice is conducted.
- 2) The Department firing range will be opened one day each month for four hours. This time will be for practice and any required re-qualification. (Day of week and times will be posted.)
- 3) Any officer of the Department who is issued a Department sidearm is eligible to receive 50 rounds of ammunition for that weapon per month for the purpose of firearms practice. This ammunition will be issued at the range on the designated practice day and must be fired on the Department firing range under the supervision of the on-duty firearms instructor.

F. Department Firearms Qualification

- 1) The qualification courses for firearms will be scheduled during the months indicated below:

March - Basic side arm re-qualification course, Shotgun re-qualification course, and rifle requalification course

November- Basic and Low Light qualification as well as Use of Deadly Force and Weapons Policy review and testing

NOTE: Dates and times will be posted.

Personnel must report to the firing range on the designated day at the appointed time with their issued sidearm (with duty belt) and/or shotgun/rifle as required.

- 2) All officers of the Department will be required to fire a qualifying score of 240/80% on each qualification held.
- 3) Each officer will be allowed two attempts to qualify with his/her issued weapon(s) during the scheduled qualification day. Officers who fail to qualify on this day will be required to

qualify on the next scheduled qualification date to be held no more than 14 days from the first qualification day. Officers will be given two attempts to qualify. Any officer who fails to qualify will turn his/her duty weapon over to the range officer and the officer will be reassigned to administrative duty for a period not to exceed 14 days. During this period, the officer will receive remedial training and be given opportunities to qualify.

- 4) An officer who fails to qualify within the 14 days of administrative duty will be placed on suspension without pay for 14 days. During the 14-day suspension period the officer may coordinate with the Assistant Chief of Police to receive additional firearms training and be given opportunities to qualify. Upon successful qualification, the Assistant Chief of Police will notify the Chief of Police in writing and the officer's suspension will be discontinued and the officer be allowed to return to regular duty.
- 5) Any officer who fails to qualify by the end of their suspension period will be considered incompetent to carry a firearm and placed on suspension with pay. At the City's discretion, the officer will then be transferred to non-law enforcement duties or his/her employment with the City will be terminated.
- 6) Any officer who fails to qualify and is placed on suspension a third time within a three year period will be placed on suspension with pay. At the City's discretion, the officer will then be transferred to non-law enforcement duties or his/her employment with the City terminated.
- 7) An officer who fails to qualify with Department issued shotgun or other shoulder weapons will be prohibited from carrying such weapons pending his/her re-qualification and will be removed from any assignment requiring the use of such weapons. Remedial training will be provided on any such officer's request followed by a subsequent opportunity to re-qualify.
- 8) An officer who fails to qualify with a Department-issued secondary sidearm will be prohibited from carrying such weapon pending his/her re-qualification.
- 9) Copies of the standards for all Department firearms qualification courses are available from the Chief of Police

G. Chemical Agents/Weapons

- 1) Only the Department - issued Defense Technology First Defense MK-4 Stream Oleoresin Capsicum Device (Pepper Spray) is approved for use by officers who have completed the Department approved training course.

H. Electronic Control Devices

The X 26 and X2 Advanced TASERS are hand held battery operated units designed to immobilize a suspect by means of an electrical current. The TASER X26/X2 may be used when a subject is displaying active, aggressive or aggravated aggressive resistance to an officer attempting to conduct legal law enforcement activities. Deployment of the TASER X26/X2 will be evaluated using the criteria in this directive and within the framework of continuous and on-going training. The officer must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the TASER X26/X2 will be dependent upon the actions of the subject, the threat facing the officer, and the totality of the circumstances surrounding the incident.

- 1) An approved TASER X26/X2 device may only be utilized by officers that have successfully completed the department approved training in its use taught by a certified instructor.
- 2) Uniformed officers will carry the TASER X26/X2 in a department issued and approved holster. The holster will be carried on the duty belt, on the side opposite the duty firearm, cross draw position is optional. Non-uniformed officers will carry the TASER X26/X2 in an approved holster on the side opposite the duty firearm.
- 3) The TASER X26/X2 shall be carried fully armed with the safety on in preparation for immediate use.
- 4) Officers approved to use the TASER X26/X2 shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

- 5) Only agency approved battery power sources shall be used in the TASER X26/X2.
- 6) The TASER X26/X2 should be inspected and checked prior to each tour of duty, to include a spark test
- 7) A Taser Deployment Report shall be completed anytime a TASER X26/X2 is used, except in training. The supervisor will complete a supervisor's evaluation of the force using the standard Supervisor's Critical Incident Report.
 - a) The Taser Deployment Report shall contain at a minimum:
 - 1] The officer's approximation of the range at which the unit was employed.
 - 2] The point(s) of impact on the subject.
 - 3] The number of five-second cycles used.
 - 4] The type of clothing the probes encountered.
 - 5] The type and serial number of cartridge used.
 - 6] The type of discharge (probe, drive stun, or both).
 - 7] Evaluation of the effectiveness of the device.
 - 8] After-discharge actions taken by the officers.
 - 9] Any injuries that the officer is aware suffered by the subject as a result of the use of the device.
- 8) Unintentional discharge will be reported to a supervisor and will be treated the same as the unintentional discharge of a firearm.
- 9) The TASER X26/X2 may only be used under the following circumstances:
 - a) To overcome violent or assaultive behavior or its threat.

- b) To control persons in order to prevent them from harming themselves or others.
- 10) Use of the TASER X26/X2 under the following circumstances is prohibited, unless exigent circumstances are present:
- a) Against handcuffed subjects;
 - b) Against subjects fleeing on foot;
 - c) At or from a moving vehicle;
 - d) Against subjects known to be pregnant;
 - e) Against children less than 14 years of age and/or weighing less than 90 pounds;
 - f) Against subjects who are visibly elderly or physically disabled and/or suffering from a debilitating illness;
 - g) Against subjects with known neuromuscular disorders such as multiple sclerosis, muscular dystrophy or epilepsy;
 - h) In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.
- 11) The TASER X26/X2 will not be used under the following circumstances:
- a) For coercion, intimidation, or punitive in nature;
 - b) To escort or prod subjects;
 - c) To awaken unconscious or intoxicated subjects;
 - d) Against subjects who are offering only passive resistance;
 - e) When the officer knows the subject has come in contact with flammable liquids or is in a flammable atmosphere;

- f) When the subject is in a position where a fall may cause substantial injury or death;
- 12) In preparation of firing, when reasonable, the TASER X26/X2 shall be pointed in a safe direction, taken off safe and then aimed. Center mass of the subject's back is the primary aiming point. Where back targeting is not possible, frontal deployment should be made below the sternum making all reasonable effort to avoid the groin/pelvic region and center mass of chest unless deadly force would be otherwise justified.
 - 13) Prior to use, when practical, a warning to the subject and other officers should be given. The warning TASER! TASER! TASER! will be shouted prior to deployment when practical.
 - 14) Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
 - 15) TASER X26/X2 probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
 - 16) Use of the "Drive Stun" is discouraged except in situations where the "probe" deployment is not possible. If initial application is ineffective, officer will reassess situation and consider other available options.
 - 17) The TASER X26/X2 shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
 - 18) Officers shall evaluate all subject against whom the TASER X26/X2 has been deployed, and shall provide emergency medical treatment if needed or requested. If the TASER X26/X2 probes have penetrated the skin in a sensitive area (head, neck, groin or breast of a female), officers have difficulty removing the probes (i.e. probe/barb separation) EMS will be called to the scene to remove the probes or the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
 - 19) Subjects who do not appear to be fully recovered within 10 minutes after Taser deployment shall be evaluated by medical personnel.

- 20) After the TASER X26/X2 is used, probes should be removed from the suspect as soon as the suspect is handcuffed.
 - a) If there is an indication that there is serious injury or any complications EMS should be called to the scene before the probes are removed.
 - b) Photographs of the affected area should be taken after the TASER X26/X2 is used.
- 21) When the TASER X26/X2 has been used operationally, the officer will collect the air cartridge, wire leads, and probes as evidence and process it as such.
- 22) Shift Commanders will conduct a spark test at one time per week to ensure proper TASER X26/X2 operations.
- 23) The TASER X26/X2 is equipped with a data port connection, the Chief/Assistant Chief shall be the only authorized Department personnel that will have access to the data port information and will maintain the computer software program. The chief/assistant chief will periodically download information from the weapons to ascertain the usage and deployment of the weapon. They will insure that the usage coincides with Taser Deployment Reports.
- 24) Training – The carrying of the TASER X26/X2 is mandatory for certified field personnel below the rank of Captain. Certified personnel will be required to attend TASER X26/X2 Training in order to carry/use the weapon. This training will be in accordance with the TASER X26/X2 Training Program. Department personnel will be required to be exposed to a deployment as part of the training program.

I. Other Weapons

- 1) The baton (ASP) 26" inch model is approved for use by officers who have been trained and certified in its use. Batons will be used only in compliance with methods taught in Department sponsored/approved training.
- 2) The on-duty possession of any sap, sap gloves, blackjack, brass knuckles or similar weapons by an officer is prohibited.