

Germantown Police Department

Policies and Procedures

Number: 11-4
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Subject: Firearms
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I. PURPOSE

The purpose of the policy is to establish guidelines for the carrying of department issued and off duty firearms. Law enforcement officers of this department are authorized under state law to carry their firearms both on and off duty. This applies to any jurisdiction within the state of Tennessee and those states having reciprocity agreements with this state.

A law enforcement officer under this policy means a person who is a full-time police officer who has been certified by the Peace Officer Standards and Training Commission.

II. POLICY

It is the policy of this department that all officers shall be competent, proficient and knowledgeable in the use of all issued weapons. Officers will carry only departmental issued weapons while working in an official police capacity.

The Heckler and Koch (HK) USP .40 caliber semi-automatic pistol is the official duty weapon of the department. This pistol will be issued to, and carried by, each law enforcement officer upon employment, subject to required training and qualification. Officers are required to be proficient with the service pistol in regards to its use, care, cleaning, field stripping, loading and unloading, visual and operational inspection as instructed by the firearms training staff.

III. OFF DUTY CARRYING OF FIREARM

Under state law, law enforcement officers are authorized to carry a firearm whether on or off duty. **T.C.A. 39-17-1350** states "... (a)(1) Notwithstanding any provision of law to the contrary, any law enforcement officer may carry firearms at all times and in all places within the State of Tennessee, on duty or off duty, regardless of the officer's regular duty hours or assignments, except as provided by subdivision (3), federal law, lawful orders of the court or the written directives of the executive supervisor of the employing agency." "... (2) the authority conferred by this section is expressly

intended to and shall supersede restrictions placed upon law enforcement officers' authority to carry firearms by other sections within this part.” “...(3) The authority conferred by this section shall not extend to a law enforcement officer: (A) who carries a firearm onto school grounds or inside a school building during regular school hours unless such officer immediately informs the principal that such officer will be present on school grounds or inside the school building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal's office. (B) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance; or (C) Who is not engaged in the actual discharge of official duties as a law enforcement officer while within the confines of an establishment where beer or alcoholic beverages are sold for consumption on the premises; or (D) Who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding.” Officers of this department may carry the department issued weapon (or other handgun, see section (1) below) while off duty. The weapon must be concealed from view by the public. Officers must also be in possession of their department photo identification.

- A. Law enforcement officers may carry a handgun other than their duty weapon, while off duty, subject to the approval of the Chief of Police and the successful completion of the department qualification course. Such handguns must first be submitted to a member of the firearms training staff for inspection. A recommendation of approval or denial, for off duty carrying of the handgun, will be submitted to the Chief of Police by the staff member. Such handguns shall be like or similar in function as the department issued weapon and be chambered for .38 special, 9mm or .40 or .45 caliber.
- B. Firearms may not be carried while off duty under the authority of the department when:
 - 1. An officer is on suspension from duty;
 - 2. An officer is under the influence of alcohol or any other impairing substance that affects normal perception and judgment.
 - 3. The Chief of Police has determined that it would be inappropriate under the circumstances.

IV. RETIRED OFFICERS

Upon retirement from the department, commissioned officers are authorized to carry a handgun, pursuant to satisfying the requirements of T.C.A. 39-17-1315. Under this statute, retired law enforcement officers are authorized to carry their handgun provided that they attend at least eight (8) hours of annual firearms training. The department, during annual in-service training, will

provide such firearms training. Retired officers must also obtain a surety bond, at their expense, a copy of which will be kept on file at the department. To be considered as “Retired” under this section, an officer must have served a minimum of five (5) years with the department and must be receiving his/her pension benefit in accordance with city guidelines.

V. SHOTGUNS

- A. The regulation shotgun for use by law enforcement officers is the Remington 870 12 gauge, pump action, riot shotgun. Officers are required to be proficient with the shotgun in regards to its use, care, cleaning, field stripping, loading and unloading, visual and operational inspection as instructed by the firearms training staff. Officers, prior to their tour of duty, will make visual and operational checks of the shotguns. Any deficiencies must be reported to the firearms training staff. Officers will have the shotgun available for use in their patrol vehicle while on duty.
- B. Officers will be issued 12 gauge 00 buckshot and rifled slugs. Rifled slugs will be loaded into the shotgun when a situation dictates their use. Routinely, only four (4) rounds of 00 buckshot will be loaded in the magazine tube. No ammunition will be routinely stored in the chamber of the shotgun. Should a situation require loading a shell in the chamber, the officer shall remove the shell from the chamber in a safe manner as soon as practical when the situation has been resolved.

VI. PATROL RIFLES

- A. The regulation rifle for department personnel is the Colt AR15 semi-automatic rifle, chambered in .223 Remington or an equivalent, as approved by the Chief of Police.
- B. Selection for the patrol rifle program will be based on several criteria. Candidates must be senior police officers with the Germantown Police Department. They must be an officer in good standing, have a satisfactory disciplinary record that indicates a level of personal maturity essential for the responsibility of carrying a patrol rifle and have personal qualities showing good judgment, reliability and a good attitude. Officers assigned to the patrol rifle program must demonstrate excellent job knowledge, leadership ability and be approved by the Chief of Police or his designee.
- C. Officers must pass a course of instruction to be determined by the training division, post a qualification score with the rifle of 93.3% or better on a P.O.S.T. certified rifle course administered by a P.O.S.T. certified firearms instructor. All firearms training will be documented and submitted to the training division for record keeping.
- D. Rifles shall only be fired in accordance with Department policy governing the use of deadly force. The rifle is not designed to be used at close range and should normally

be used in those situations where the primary firearm or shotgun may be ineffective. The on scene supervisor will have discretion as to when the rifle should be deployed.

- E. The rifles, along with ammunition and magazines, will be kept in hard cases in the Uniform Patrol equipment room and will be issued to qualified officers by the shift supervisor. The cases will be numbered and the rifle contained within will be marked with the corresponding number. Rifles will be secured within the passenger compartment or trunk during the officer's tour of duty until such time that a situation arises that indicates its deployment. The rifles will be returned to the equipment room at the end of each shift. Officers assigned to a rifle will be responsible for its general condition, cleaning and maintenance.

VII. FIREARMS SAFETY, PROFICIENCY AND QUALIFICATION STANDARDS AND RECORDS

- A. Officers are responsible for keeping their firearm and ammunition under safe and protected conditions, especially in preventing their use, theft, tampering or damage by others. This responsibility applies when the firearm is carried on their person or stored in any place. This responsibility applies to officers both on duty and off duty.
- B. Officers (regular and reserve) will be required to meet or exceed the minimum acceptable qualification score with the duty weapon and shotgun two (2) times per year. Retired commissioned officers of this department will be required to meet or exceed the minimum acceptable qualification score once per year with the handgun carried. Commissioned officers will be required to meet or exceed the minimum acceptable qualification score with an off duty weapon once a year.
- C. Scoring for all firearms minimum proficiency standards qualifications will be performed under the direct supervision of a firearms instructor. The firearms instructor will be responsible for the instruction, supervision and certification of all firearms proficiency standards qualification tests and recording all results. The Rangemaster will maintain permanent records as to the curriculum and courses taught by year, listing the officers or trainees attending the training.
- D. Officers are prohibited from carrying or using any firearm on duty unless properly trained and qualified in the use of such firearms.
- E. The Germantown Police Department firearms qualification course shall be a Tennessee P.O.S.T. Commission approved course. Other firearms training courses shall include night firing course, stress course, shotgun course, and specialized weapons course.

VIII. FAILURE TO PASS OR COMPLETE FIREARMS QUALIFICATION

- A. The minimum acceptable qualification score for the duty weapon, off duty weapon and shotgun will be seventy-five percent (75%). Officers must also successfully complete a deadly force decision -making component.
- B. Any officer who fails or neglects to successfully complete any component of the Firearms Proficiency Qualification Tests will be given extensive individual instruction immediately, if possible, followed by a second opportunity to successfully complete the component(s). If an officer fails to successfully complete the component after such individual instruction and second attempt, the firearms instructor will refer the officer to his/her Division Commander. The Division Commander will automatically place the officer on non-enforcement status and seize his/her weapon. The Commander of the Firearms Training Unit shall be notified in writing when any officer is placed on non-enforcement status as a result of failing to pass a firearms qualification.
- C. The officer will remain on non-enforcement status until the failed component(s) is successfully completed. During the time that the officer is on non-enforcement status, he/she will receive remedial firearms training. The nature and extent of such remedial training will be left to the discretion of the firearms training member or staff. If an officer fails to successfully complete the failed component(s) after such remedial training, he/she will be subject to disciplinary proceedings to determine the suitability of the officer to continue to serve as a commissioned police officer for the department.

Failure to successfully complete any Firearms Proficiency Qualification test will be reflected on the officer's performance evaluation.

IX. RESPONSIBILITY TO REPORT FIREARMS DEFICIENCIES

- A. Any commissioned officer having reason to believe that he/she, or other member, is unable, for whatever reason, to safely and efficiently handle a firearm, has a responsibility to report such deficiency or impairment to his/her supervisor or commanding officer immediately.
- B. Any supervisor or commanding officer having reason to believe that an officer under his/her command is unable to safely and efficiently handle a firearm, shall refer the officer to the Firearms Training Staff for requalification.

X. AMMUNITION

The department will provide ammunition for use by officers for their issued duty weapon. The department will provide limited quantities of practice ammunition for the issued duty weapon. Officers will not, while in the performance of police duties or acting under the auspices of this department, use or possess any cartridge that differs from the approved department ammunition or alter, polish, tamper with or otherwise change the ballistic properties of such ammunition. Duty ammunition will be replaced periodically by the Firearms Training Staff.

XI. SPECIAL WEAPONS

Officers assigned to the Special Weapons and Tactics Team (SWAT) are authorized to carry special weapons as approved by the Chief of Police, subject to required training and qualification.

XII. WEAPON MAINTENANCE, INSPECTION AND RECORD KEEPING

- A. The description of firearms used under the auspices of the department, both on duty and off duty, shall be recorded by the Firearms Training Staff. Records will be maintained by the Firearms Training Staff. Officers who dispose of firearms so recorded must notify a member of the Firearms Training Staff who will update the necessary records.
- B. Officers are responsible for keeping their firearm in good serviceable condition. The weapon shall be kept clean, free from excessive oil or rust preventative and always ready for inspection. Abrasive materials such as ink erasers, crocus cloth, sandpaper, emery cloth or steel wool or any other material that will scratch the metal shall not be used in its maintenance, except by a department armorer.
- C. The mechanical functions of any authorized weapon will not be altered, nor any emblems displayed except those normally placed on the weapon by the manufacturer. Weapons will not be broken down (field stripped) for cleaning beyond the manufacturer's recommendation, except by a certified armorer.
- D. Firearms used under the provisions of this policy shall be inspected by a member of the Firearms Training Staff (armorer) at a minimum of once annually. In addition, field inspections may be made to ensure proper functioning of all weapons. A record of inspections will be maintained by the Firearms Training Staff.
- E. Any exception to the provisions of this policy will be at the discretion of the Chief of Police.

XIII. RESERVE OFFICERS

Reserve officers of this department are authorized to carry a firearm while in the performance of police duties, subject to required training and qualification. Reserve officers are required to be proficient with their firearm in regards to its use, care, cleaning, field stripping, loading and unloading, visual and operational inspections as instructed by the Firearms Training Staff. Reserve officers not working an authorized assignment for the department must comply with the requirements of T.C.A. 39-17-1351 (Handgun Carry Permits) in order to carry their firearms.

XIV. SHOOTER AWARDS

Officers may wear shooter awards approved by the department, which fall into one of the following categories:

- A. Distinguished Expert-A Score of 100% five times consecutively.
- B. Expert-A score of 93% or better.
- C. Marksman-A Score of 85% to 92%.
- D. Sharpshooter-A Score of 75% to 84%.

XV. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.