

Tom Bean Police Department

Administrative Directive

Number: 103.003	Effective Date: 01/21/2019
Subject: Firearms	Revision Date: 01/01/2021
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

It is the policy of this Department to regulate the carrying and handling of firearms by Department personnel. This Directive establishes standardized guidelines for the carrying, handling, training, and testing of the proficiency of armed personnel.

II. Firearms Instructor

- A. The Chief of Police shall designate a **Primary and Secondary** Firearms Instructor for the Department. The Firearms Instructor(s) shall meet the minimum guidelines established by the Texas Commission on Law Enforcement (TCOLE) **Officer Standards and Education**.

III. Firearms Approval and Inspection

- A. ~~The A~~ Firearms Instructor shall approve duty, off-duty, and secondary firearms based on established Departmental criteria approved by the Chief of Police.
- B. Prior to proficiency qualifications, the **attendant** Firearms Instructor is responsible for completing a function check and inspection of Departmental, off-duty, and secondary firearms to ensure they are safe and in good working order. The function check and inspection shall include:
1. Manual operation of the slide or action;
 2. Operation of the trigger assembly;
 3. Operation of safety if present; and
 4. Visual inspection of the overall condition of weapon.
- C. Weapons found to be unsafe shall be removed from service until they can be repaired. The **Primary** Firearms Instructor shall verify the completion of the repairs before the firearm is returned to service. The **Primary** Firearms Instructor shall maintain a record of repairs for duty, off-duty, and secondary firearms.
- D. Officers who wish to carry a duty, off-duty, or secondary firearm that has not been approved or inspected shall notify the **Primary** Firearms Instructor via e-

mail. The **Primary** Firearms Instructor shall schedule a time for approval, inspection, and demonstration of proficiency. The officer shall not carry any firearm as a duty, off-duty, or secondary firearm until all of the Departmental criteria have been met.

IV. Firearms Records

- A. The **Primary** Firearms Instructor shall maintain a record of all firearms approved by the Department for official use. The records will include:
 - 1. Description of the firearm;
 - 2. Owner or assignee;
 - 3. **Person approving the firearm and date of approval;** and
 - 4. Documentation of qualification.

V. Authorized Firearms

- A. For a list of firearms authorized by the Department, refer to the Weapons and Ammunition Specifications.

VI. Authorized Ammunition

- A. For a list of ammunition authorized by the Department, refer to the Weapons and Ammunition Specifications.

VII. Carrying of Firearms On-Duty

- A. Uniformed officers, when on-duty, shall carry an approved firearm in an approved holster when in public places within the jurisdiction of this Department.
- B. **If an officer desires to change their primary duty weapon, they may do so only once per calendar year, with prior approval of the Chief of Police.**
- C. Officers who are on-duty in plain clothes shall wear their firearms in a holster approved by the Chief of Police, in a manner that will not attract attention.
 - 1. Officers in plain clothes wearing their firearms exposed to the public view shall display their Department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.

VIII. Off-Duty Firearms Guidelines

- A. Officers may carry an approved firearm off-duty, but will exercise discretion as to when and where it is worn.
 - 1. Any display or use of an off-duty firearm will be governed by the same regulations that apply to on-duty officers.
 - 2. Off-duty firearms carried while off duty and not in uniform must be kept concealed.
 - 3. Officers electing to carry an off-duty firearm shall also carry on their person the following:
 - a. Some form of temporary restraints (handcuffs, flex cuffs, etc.); and
 - b. Valid law enforcement identification (badge, ID card, etc.) that can be displayed using only the support hand, if necessary.
 - 4. This Directive should not be construed to restrict the legitimate possession and use of sporting or recreational firearms.

IX. Secondary Firearms Guidelines

- A. Officers may carry one approved firearm in conjunction with, and as a backup to, the officer's primary Department approved sidearm.
- B. The secondary firearm is to be viewed only as a weapon of last resort and the use of a secondary firearm will be limited to those instances where an officer's use of deadly force is authorized under the Department's Directive and the officer's primary firearm has been:
 - 1. Lost, stolen, or rendered inoperable during the course of the specific incident authorizing the use of deadly force; or
 - 2. Exhausted of ammunition under circumstances that clearly limit the officer's ability to immediately reload.
- C. If an officer desires to change their secondary duty weapon, they may do so only once per calendar year, with prior approval of the Chief of Police.
- D. Officers electing to carry a secondary firearm will carry the firearm on their person in a concealed manner.
- E. The approved secondary firearm may be carried in the prescribed manner whenever the officer is off-duty or working in an off-duty capacity and is armed with a Departmental approved firearm.

X. Shotguns

- A. Uniformed officers, when on-duty, may carry an approved shotgun, secured within the rifle / shotgun rack inside of the patrol vehicle.
- B. During routine carry in police vehicles, the shotgun will be carried with the magazine loaded and the chamber empty.
- ~~C. During routine carry in police vehicles, the shotgun will be carried in the rifle/shotgun rack.~~
- D. Only specified ammunition, provided by the Department, will be approved for duty use and is the only ammunition approved for general carry. Refer to the Weapons and Ammunition Specifications.
- E. The approved shotgun ~~will~~ may be supplied by the Department, or in some instances by the individual officer with prior approval from the Primary Firearms instructor. ~~as well as attendant gear such as carrying cases and ammunition.~~
- F. The shotgun will be maintained and cleaned by the officer and is subject to inspection by supervisory personnel.
- G. No ~~unauthorized~~ modifications shall be performed on the shotgun.
- H. If an officer desires to change the shotgun they are carrying, they may do so only once per calendar year, with prior approval of the Chief of Police.

XI. Rifles

- A. Police officers have routinely carried handguns with many, though not all, agencies authorizing the carrying of specified shotguns for exceptionally dangerous circumstances, but both the handgun and the shotgun have limitations. This Department will allow sworn personnel to carry an approved rifle in their vehicles to offer greater protection to both the public and themselves in extraordinary circumstances.
 - 1. The Department will allow officers to carry their own approved rifle in lieu of one issued by the Department.
 - 2. Policies and procedures that apply to Department rifles will also apply to personal rifles when carried for duty use.
- B. During routine carry in police vehicles, approved rifles shall be carried with only the magazines loaded and the chamber empty.
- C. During routine carry in police vehicles, the approved rifle will be carried in the rifle/shotgun rack or in a case.
- D. At least one extra magazine will routinely be carried with the approved rifle.
- E. Only specified ammunition, provided by the Department, will be approved for duty use and is the only ammunition approved for general carry. Officers should

maintain 60 rounds of ammunition for the rifle. Refer to the Weapons and Ammunition Specifications.

~~1. This does not apply to rifles used by tactical officers on tactical operations.~~

F. ~~Department rifles will be issued along with attendant gear such as carrying case and an extra magazine.~~

G. The rifle will be maintained and cleaned by the officer and is subject to inspection by supervisory personnel.

H. If an officer desires to change the rifle they are carrying, they may do so only once per calendar year, with prior approval of the Chief of Police.

XII. LESO Property

A. *Any officer that is issued a firearm acquired by the department through the Texas LESO Program shall be required to complete and sign a Statement of Physical Custody Form prior to issuance.*

B. *Any officer requesting or requiring issuance of a LESO firearm shall be required to keep said firearm(s) stored within dual layers of security (secured within residence / building, & locked inside of safe or other secure area) when not in active use for duty or training purposes.*

C. *At no time shall a LESO firearm be left unsecure inside of a motor vehicle. Dual layers of security (locked doors, & locked vault or rack) shall be required at all times when not deployed.*

XIII. Accessories

1. All accessories must be approved by the **Primary** Firearms instructor **and / or** the Chief of Police in accordance with this Directive.

2. Optic Recommendations

a) A non-magnifying optic should be positioned to allow the co-witnessing of both the iron sights and the optic or to be used independently of the other without removal of the sights.

b) A magnifying optic should be equipped with a quick removal mount to allow quick removal of the optic to engage targets with iron sights.

XIV. Use of Shotguns and Rifles

A. Approved shotguns and rifles may be used in unusually dangerous circumstances in which the likelihood of serious injury or death is anticipated to

be immediate or probable. No Directive can specifically detail only the situations under which the shotgun or rifle could be used, but examples could include: manhunts for dangerous felons, initial responders to a hostage situation, an armed, deranged individual, dedicated sniper, armed robbery in progress, etc.

- B. When the circumstances or event for which officers deployed with approved shotguns or rifles is over, they will be stored per this Directive.

~~C. Nothing in this Directive should be construed to change the parameters for tactical unit call-outs.~~

~~1. The carrying of approved shotguns or rifles offers the officer a more immediate response against unexpected, extraordinary dangerous situations that he or she might find himself or herself in.~~

~~2. Deployment with approved shotguns or rifles may allow the officers to be more appropriately armed while waiting for tactical response.~~

- D. Approved shotguns or rifles will not be used or displayed on "routine" calls.
- E. Violation of this Directive may result in either disciplinary action and/or denial to the offending officer's request to carry a shotgun or rifle.

XV. Training and Proficiency Qualifications

- A. ~~The~~ A Firearms Instructor must monitor all proficiency demonstrations (qualifications), and firearms related training.
- B. Prior to being authorized to carry a firearm, each officer will receive training regarding the Department's use of force and weapons policies.
- C. All officers authorized to carry firearms will be issued a current copy of the Tom Bean Police Department's ~~Use of Force~~ Response to Resistance Directive as contained in the Department Directives.
- D. Annually, each sworn member of the Tom Bean Police Department will be required to receive in-service training on the Police Department's ~~use of force~~ response to resistance policy and demonstrate proficiency with any approved firearm the sworn member is authorized to use.
- E. Officers shall be responsible for providing the ammunition for qualification with off-duty and secondary firearms.
- F. Scoring will be in compliance with TCOLE minimum firearms qualification standards.
- G. Only officers demonstrating proficiency with an approved firearm on an annual basis shall be authorized to use such firearms.
- H. The attendant Firearms Instructor will document the officer's training and proficiency record to reflect the officer's attendance of in-service training classes and document the officer's proficiency in the use of Department authorized firearms.

XVI. Exceptions

- A. Only the Chief of Police shall approve any exceptions to the requirements in regards to the types of authorized firearms or ammunition.
- B. The Chief of Police has the authority to approve or disapprove any firearm or ammunition.
- C. An officer wishing to make a modification to a **Department issued previously approved** firearm shall submit the request to the **Primary** Firearms Instructor in memo form. The Chief of Police must then approve the modification. The **Primary** Firearms Instructor shall maintain a list of approved modifications.

XVII. Accidental / Unintentional Discharges

- A. Any accidental / unintentional discharge of any firearm in or under an individual officer's care, custody and control off duty, on duty, qualified or unqualified shall be reported to the Chief of Police by the involved officer immediately, or as soon as practical under the circumstances.
- B. The Chief of Police may order the officer to provide a report in memorandum form detailing the conditions and circumstances surrounding the discharge, involved firearm, and any injuries or damages that may have resulted from the discharge.
- C. Should the accidental / unintentional discharge be determined to have been the result of negligence, recklessness, carelessness, or a blatant disregard for safety on the part of the involved officer, it shall be at the discretion of the Chief of Police to determine whether or not the incident is to be addressed with corrective action up to and including separation from the officer's employment.