

FALMOUTH POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

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Distribution: All Personnel	Rescinds:
Subject: Use of Firearms	
Signature, Chief of Police:	
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Refer to: Policy 1A	

PURPOSE

The purpose of this policy is to establish regulations and guidelines for the use of firearms by sworn members of this Department.

POLICY

The policy of this Department is that officers shall consider every other reasonable means of force before resorting to the use of a firearm. This policy shall be carried out and reviewed from a reasonable perspective of the officer at the time and occasion of the use of a firearm.

The regulations within this directive provide more stringent requirements than the law because these policies are necessarily based upon an estimation of the degree of protection needed by the citizens of the Town of Falmouth and the kind of action they will support.

It is generally agreed upon that no other single police activity has such far-reaching consequences for all persons involved as when a police officer uses a firearm against another person. Whether used properly or not, damaging after-effects on the officer, the department and the community must be anticipated. To deal with this, rather than simply disarming the police or restricting an officer's use of firearms to the extent of making them a tool without a use, a firearms policy is necessary as a guideline.

When making the decision to utilize a firearm, officers must consider whether such use is authorized, justified, and within proper police procedure. All three criteria must be met. Authorization generally deals with the permissible use of firearms by a law enforcement officer as specified in Section 107 (2) of Title 17-A, Maine Criminal Code. Justification deals with the level of force appropriate and necessary in a given situation to accomplish a valid police task. Proper police procedure deals with using a firearm in a manner which will not unreasonably endanger officers or innocent persons.

While no set of rules for the use of firearms can possibly cover every situation that might arise, every police officer is expected to respond to all such emergencies decisively, and with the highest level of good judgment and professional competence. A thorough knowledge of this policy pertaining to the use of deadly force will assist in preparing an officer to act in an appropriate manner. Guidelines pertaining to the proper care and carrying of firearms and related equipment, when strictly adhered to, shall serve to prepare the officer to face any threat and to protect the officer from undue criticism and civil liability.

DEFINITION

For the purpose of this directive, the term "use of firearm" or equivalent words means the use of a service or personal weapon (handgun, rifle, etc.), which, in the manner it is used or threatened to be used, is capable of producing death or serious bodily injury.

AUTHORIZED DUTY WEAPONS ARE AS FOLLOWS:

- A. Sigarms P226
- B. Sigarms P229
- C. Sigarms P320
- D. Ruger .22 caliber pistol
- E. Bushmaster XM-15 .223 caliber rifle
- F. Personally-owned rifle meeting the requirements of this policy

PROCEDURE

All sworn personnel will be issued a copy of the standard operating procedures and be specifically instructed in the use of force section before being allowed to carry a firearm for the Falmouth Police Department.

A. Permissible use of a firearm

1. For target practice at an approved range.
2. To dispatch a dangerous animal or an animal that humanely requires its removal from further suffering when other dispositions are impractical.
 - a. A Use of Force form is not necessary when a firearm is used to destroy an animal, however a "Call for Service" will be issued to the officer to document the event.
3. As a means of applying deadly force as defined in the standard operating procedure "Situational Use of Force."

B. Prohibited use of a firearm

The following situations represent prohibited use of a firearm by a Falmouth police officer:

1. As a warning shot.
2. At or from a moving vehicle, unless the circumstances justify the use of deadly force; or

3. When there is a clear and obvious danger of hitting bystanders who may be in or near the line of fire.

C. Reporting the discharge of a firearm

Whenever an officer discharges a firearm, other than in training, a supplemental report shall be filed outlining the circumstances surrounding the incident. This report is to be submitted to an on-duty supervisor or officer-in-charge as soon as practical.

If an officer discharges their weapon to dispatch an injured animal, a "Call for Service" will be issued. A "Use of Force" report is not required.

D. Use of non-issued weapons and ammunition

Any weapon or ammunition carried in a plain clothes capacity for police related action must be approved by the Chief of Police using the following procedure:

1. The officer must submit to the Chief of Police, in writing, the make, model, barrel length, caliber and serial number of the weapon, and the type of ammunition to be used to ensure the weapon and ammunition are consistent with issued or previously approved equipment.
2. Once approved, the range officer will inspect the weapon to ensure it is in safe condition.
3. The officer will then qualify with the weapon with the range officer; and
4. Once the officer qualifies with the weapon the range officer will provide a copy of the "Weapon Authorization Request" form to the Chief of Police to be signed for approval.

E. Carrying weapons on duty

The Chief of Police shall have the authority to authorize an employee to carry a Department issued weapon on-duty only after successful completion of the 100 hour "Pre-Service Training Program," certification from the MCJA as a certified officer, and successful completion of the Falmouth Police Department's "Firearms' Qualification" program.

1. While on duty, officers will carry only department issued weapons and ammunition.
2. All weapons will be made available for inspection upon request by a superior officer or firearms instructor
3. Under no circumstances shall any weapon be carried with anything other than Department-approved ammunition. The ammunition of the Falmouth Police Department is: *Speer Gold Dot .165 grain jacketed hollow point.*
4. Any approved weapon used on or off duty will be carried in an approved holster which is designed for that particular weapon.
5. The carrying of an unauthorized second handgun is grounds for dismissal.

6. Every on-duty officer must be armed when leaving the building.
7. Every officer assigned duties within headquarters must have their weapon available for immediate use.
8. Any weapon not being worn or carried by the officer will be stored in a safe place under lock and key. Unlocked desk drawers and unlocked lockers are not acceptable areas in police headquarters. In motor vehicles, the locked trunk is the only acceptable location.
9. Only approved grips shall be used on any weapon.

F. Carrying weapons off duty

1. Only approved weapons as outlined in Section D are permissible to be carried for any police related action.
2. The carrying of off-duty weapons shall be as unobtrusive as possible. No one shall carry a weapon while consuming or acting under the influence of intoxicants.
3. All firearms safety rules apply off-duty as well as on-duty.
4. Officers must qualify on an annual basis with any weapon approved for off-duty, work-related use.
5. Nothing in this directive restricts an off-duty officer from carrying or utilizing a non-approved weapon while not under “the color of law” for personal protection, action, or activity.
6. Only graduates of the Maine Criminal Justice Academy Basic Law Enforcement Training Program, or an MCJA approved equivalent, are permitted to carry department firearms off-duty, or in plain clothes, unless authorized by the Chief of Police.

FIREARMS QUALIFICATIONS

All members of this Department who carry firearms must pass a semi-annual qualification test that is equivalent to the standard of the Maine Criminal Justice Academy. The qualifications and firearms-related trainings are to be administered by an MCJA Certified Firearms Instructor. Any officer who has an approved off-duty weapon must qualify with that firearm annually.

Any officer participating in weapons training will be required to utilize the proper safety equipment while engaged in firearms training. The minimum mandatory equipment for firearms training is eye protection safety glasses (unless prescription glasses are worn), hearing protection (two forms: safety earplugs and safety earmuffs) and a ballistic vest. Other suggested items include a hat with visor, long pants, and boots. No officer will be allowed to participate in any firearms training without the proper mandatory safety equipment.

A. Use of firearm range

No one shall reserve or represent the Falmouth Police Department at any firearm range location without the permission or authority from the Chief of Police or Firearms Instructor. A minimum of two people is required to be on the range while shooting is taking place.

B. Mandatory qualifications

1. Mandatory qualifications will be conducted semi-annually by a Maine Criminal Justice Academy Certified Firearms Instructor.
2. The Maine Criminal Justice Academy and the Falmouth Police Department recognize a qualifying score as two (2) consecutive targets with a minimum score of 80% (Forty-out-of-fifty rounds on both targets).
3. Rifle qualifications will be conducted on an annual basis.
4. The Department Firearms Instructor(s) is responsible for submitting a proficiency report to the Chief of Police following testing periods.
5. Under no circumstances will officers be allowed to carry or use any firearm for which they did not pass the Department-administered proficiency standard.
6. Any sworn personnel not meeting the minimum qualifications standard will not be permitted to carry or use any firearm for which they did not pass the Department-administered proficiency standard. Only after successfully completing the mandatory qualification will an officer be permitted to carry and use the firearm(s) they are deemed proficient in.

C. Firearms familiarization

1. In addition to the mandatory testing, officers will occasionally be afforded an opportunity to participate voluntarily in firearms familiarization. A notice regarding dates and times for voluntary training will be provided by the Chief of Police.
2. The Chief of Police may also assign additional mandatory training for sworn personnel. Examples of additional mandatory firearms familiarization training include non-qualification night-time shooting and Firearm Training Simulation exercises.

FIREARMS SAFETY

Safety rules will not, by themselves, prevent an accident. The careless or negligent handling of a weapon by an officer can result in injury or death. The following safety rules shall be followed by all Falmouth Police Department personnel:

- A. Treat every gun as if it were loaded.
- B. Never point a weapon at something you're not prepared to destroy.

- C. Always be sure of your target and what's behind it.
- D. Keep your finger out of the trigger guard until you are prepared to fire the weapon.
- E. Never give or take a weapon from someone without checking to see that it is unloaded.
- F. Never leave your weapon unsecured; and
- G. Protect the weapon at all times.

WEAPON MAINTENANCE

Proper weapon maintenance ensures that all department weapons are in good working order. All maintenance is to be completed by the Department Armorer. Department weapons consist of any and all firearms owned, assigned, and/or utilized by the Falmouth Police Department.

- A. Duty weapons are to be inspected prior to being issued to an officer. Duty weapons may be inspected at anytime by the Department Armorer, and all weapons are to be inspected at least once annually. This inspection may occur in conjunction with the mandatory qualifications.
- B. Each officer is expected to responsibly maintain their issued weapon(s). Officers are also required to ensure any weapon system in their assigned patrol vehicle is in good working order at the start of their tour of duty.
- C. Any weapon that has been damaged or found to be in need of maintenance or repair is to be immediately taken out of service and brought to the attention of the Chief of Police and Department Armorer.
- D. The Department Armorer will provide written record of all weapon repair to the Chief of Police. The written record will state the weapon type, make, model, serial number, to whom the weapon was assigned, and area(s) of damage and part(s) replaced.
- E. Spare weapons will be locked in the Department weapon locker. Spare weapons are to be inspected and maintained by the Department Armorer.
- F. The Department Armorer will maintain a written record of all issued weapons. A secondary record will be maintained in the individual officer's personnel file documenting the issuance of a Department weapon to include the make, model, serial number and date of issue.
- G. Patrol rifles may only be carried by officers who have completed classroom familiarization and demonstrated MCJA mandated proficiency through range qualification.

AUTHORIZED PATROL RIFLE/CARBINE

Officers may choose to utilize either a Falmouth Police Department issued patrol rifle or carry their own personally owned AR-15 rifle for duty use. If officers choose to carry their own personally owned AR-15 rifle, it must meet the following specifications:

- A. The primary patrol rifle/carbine shall be a high-quality AR-15/CAR-15 type rifle. Officers are permitted to carry a short-barreled rifle (SBR) after inspection by the Department Armorer and with approval from the Chief of Police.
- B. Chambered for 5.56/.223 rifle ammunition.
- C. Semiautomatic only.
- D. May be equipped with an optic, but must also be equipped with iron sights. Approved optics include: Aimpoint, EOTech, Leupold, Trijicon.
- E. The butt stock may be either fixed or collapsible.
- F. Primary magazines are 20 round capacity loaded with 18 rounds, or 30 round capacity loaded with 28 rounds.
- G. Ammunition shall be Federal 55 grain .223 caliber tactical load "Law Enforcement Ammunition."
- H. Equipped with a sling system suitable for tactical deployment where the weapon may be retained "hands free," yet ready for immediate use.

MODIFICATIONS

- A. No modifications, other than the following list, will be permitted without prior approval from the Chief of Police.
- B. Requests for any other modifications must be submitted in writing to the Chief of Police.
- C. Generally approved options:
 - Front "night" sight post.
 - SureFire, Insight, or Streamlight brand weapon light.
 - Weapon Suppressor.
 - Redi-Mag spare magazine holder.
 - Flash Hider.
 - Ambidextrous safety.
 - Replacement pistol grip.
 - Supplemental Sighting System: Use of a supplemental sighting system such as a red dot sight (Aimpoint) or holographic sight (EOTech) must be suitable for

tactical, close-quarter engagement and allow immediate access to the iron sights should the system fail.

DEPLOYMENT & STORAGE

- A. Patrol rifle/carbines will be deployed consistent with the Departmental Use-of-Force Policy.
- B. If a particular call for service requires the response of multiple law enforcement officers, the "Officer in Charge" (OIC) shall delegate the position of the officer(s) equipped with the AR-15.
- C. Officers deploying the patrol rifle/carbine will maintain control of the firearm at all times or ensure that the weapon is secured by another police officer.
- D. When on duty, personally owned patrol rifles will either be secured in the vehicle's interior mounted rack or secured in the trunk. If an officer chooses to have a personally owned patrol rifle secured in the vehicle's interior mounted rack, he/she will remove the department issued AR-15, secure it in the department gun locker, and then return it to the vehicle after their tour of duty. In no case shall a personally owned patrol rifle be left in a department vehicle after the officer has completed their tour of duty.

TRAINING AND QUALIFICATION

- A. Officers must successfully complete the annual training and qualification course of fire to remain eligible for field deployment of the patrol rifle/carbine.
- B. Officers must submit a personally owned rifle to the Department Firearms Instructor for inspection at any time. The rifle will be inspected at least once annually for safety and function.

FINANCIAL RESPONSIBILITY & INSURANCE REPLACEMENT

- A. If an officer chooses to participate in the personally owned patrol rifle program, all acquisition costs of the rifle and its components are of the sole responsibility of the individual officer. The department will provide duty ammunition and permit the usage of department-purchased cleaning materials/tools to ensure proper weapon maintenance is achieved.
- B. In the event of damage to a personally owned rifle, the Town of Falmouth will insure the replacement or repair costs up to the amount of the department issued AR-15. If the damage to a personally owned rifle was the result of a motor vehicle crash and the replacement or repair costs are claimable through the Town of Falmouth's automobile insurance, the rifle will be repaired or replaced to its full monetary value.

Appendix A

Falmouth Police Department Qualifications Course*All targets are bottle type, as required by the Maine Criminal Justice Academy***Semi-Automatic Pistol Course**

25-Yard Line Center of Mass from the Ready	
2 rounds standing / barricade	25 seconds
2 rounds kneeling / barricade	
2 rounds prone / barricade	

Low Ready Move Tactically to 15-Yard Line	
3 rounds kneeling right of barricade	20 seconds
3 rounds kneeling/stand over barricade	
3 rounds left of barricade	

10-Yard Line from Holster	
3 rounds center of mass	3 seconds
Standing to kneeling failure drill	4 seconds
Failure drills are all 2 rounds chest, 1 round head	

7-Yard Line from Holster	
3 rounds failure drill	3 seconds
3 rounds failure drill	3 seconds
3 rounds failure drill	3 seconds

5-Yard Line from Holster	
3 rounds center of mass	3 seconds
3 rounds center of mass	3 seconds

3-Yard Line from Holster	
1 round center of mass	1 second
2 rounds center of mass	2 seconds
3 rounds center of mass	3 seconds

15-Yard Line Move & Shoot
On the command to move, move tactically as a group towards the target. On the threat command, verbalize (POLICE DROP THE GUN) until the fire command. On the fire command, fire 3 rounds center of mass while moving. The command will then be given to stop. Next, complete the same drill in reverse while backing from the target. On command, fire 3 rounds to the center of mass until the "Stop" command is given. Then, as a group, move back in towards the target tactically. On the "Gun" command, immediately fire 2 rounds center of mass.

Appendix B

Falmouth Police Department Qualifications Course*All targets are bottle type, as required by the Maine Criminal Justice Academy***Urban Rifle Course**

100 Yard Line			
Center Mass	Kneeling	3 Rounds	No Time
	Prone	3 Rounds	

50 Yard Line			
Center Mass	Kneeling	3 Rounds	60 Seconds
	Prone	3 Rounds	

25 Yard Line (From Behind Step Wall)			
Failure Drills	Kneeling	3 Rounds	45 Seconds
	Prone	3 Rounds	
	Kneeling Opposite	3 Rounds	

25 Yard Line			
Failure Drill	Off Hand	3 Rounds	5 Seconds

15 Yard Line			
Failure Drill	Off Hand	3 Rounds	4 Seconds
Failure Drill	Off Hand	3 Rounds	4 Seconds

15 Yard Line			
Failure Drill	Move & Shoot	3 Rounds	No Time
Failure Drill	Move & Shoot	3 Rounds	

Notes:

- All exercises start from the *Low Ready* with Safety *ON*.
- One shooter per Step Wall.
- One shooter per instructor on move and shoot.

36 Round Qualification Course:

Must include 34 total hits with eight head shots (head to include neck area, top of shoulders and up). Missed head shots are disqualifiers