



## Policy 412

Subject	
<b>PATROL RIFLE/SHOTGUN PROGRAM</b>	
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<b>16 October 2018</b>	<b>1 of 12</b>

*By Order of the Police Commissioner*

### POLICY

The purpose of this policy is to establish how the Baltimore Police Department will make Issued and Approved Rifles and Shotguns available to qualified members in order to more effectively protect the public and carry out their duties. Only BPD Issued Ammunition may be carried or used during deployment of a rifle or shotgun.

**While members must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Departmental policy.**

### CORE PRINCIPLES

1. **Use of Force: Firearms.** The discharge of a firearm is always deadly force/lethal force. As with all other weapons, the use of a firearm is strictly limited. Members shall discharge their firearms only as a last resort, when all reasonable measures to avoid the use of deadly force/lethal force have failed or when the member has no reasonable or safe choice but to discharge the firearm.

Unnecessarily drawing or exhibiting a firearm may limit a member's alternatives in controlling a situation, create unnecessary anxiety on the part of citizens, and/or result in an unwarranted or accidental discharge of the firearm.

During a potential deadly force/lethal force encounter, the member has many factors to consider including, but not limited to: identification, location and number of suspects, lighting, terrain, cover, concealment, presence and movement of bystanders, and back drop. With so many factors outside of the member's control, the situation that initially suggests the need to shoot might change between the time the firearm is brought to bear to the moment of pressing the trigger. The member must always be evaluating force options and must have the skills to de-escalate from the firearm, to other force options.

2. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
3. **Value and Worth of All Persons.** All human beings have equal value and worth, and members shall respect and uphold the value and dignity of all persons at all times.
4. **Peaceful Resolutions.** Members shall avoid the use of force unless it is not possible to do so.
5. **De-Escalation.** Members shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the use of force or with the lowest level of force possible (See Policy 1107, *De-Escalation* and Policy 1115, *Use of Force*).

6. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
7. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member discharges a firearm.
8. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
9. **Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will report the use of force accurately and completely by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).
10. **Duty to Intervene.** Members shall intervene to prevent the abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).
11. **Duty to Provide Medical Assistance.** After any use of force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.
12. **Accountability.** Members shall be held accountable for uses of force that violate law or policy.
13. **Retaliatory Force.** Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason (See Policy 804, *First Amendment Protected Activity*).

## **DEFINITIONS**

**Approved Firearms** — A term to describe an approved handgun, Approved Shotgun, or Approved Rifle as defined in this Policy (See Appendix A) for individual use by the qualified member who owns it.

**Approved Rifle** — A personally-owned Colt AR-15 – 5.56 / .223 caliber rifle, with a barrel length no less than 16” and no longer than 20”, that has been inspected by the Armory Unit or Firearms Training Unit, and formally approved by Director, Education and Training Section (E&T), for individual use by the qualified member who owns it.

**Approved Shotgun** — A personally-owned Remington 870 - .12 gauge shotgun, with a barrel length no less than 18” and no longer than 20” with a smooth bore and containing rifle sights, that has been inspected by the Armory Unit or Firearms Training Unit, and formally approved by Director, E&T, for individual use by the qualified member who owns it.

**Issued Ammunition** — Any munitions issued by the BPD to its members (e.g., lethal and less-lethal ammunition for a firearm, etc.).

**Issued Firearm** — Any make, model, or caliber of firearm, including chemical delivery devices, owned by BPD that has been issued to an individual member or that is for general utilization by a designated group of properly certified and qualified members.

**Issued Rifle** — BPD-owned Colt 5.56/.223 caliber AR-15/M-4 style rifle (Patrol Rifle and SWAT carbine), Remington 700 (SWAT), etc.

**Issued Shotgun** — BPD-owned Remington 870 .12 gauge shotgun. The shotgun may be issued to an individual member, the Armory Unit, or a BPD command, and utilized by a qualified member when needed.

## **GENERAL**

1. Members are authorized to participate in the Patrol Rifle/Shotgun Program upon satisfactory completion of the training and qualifications set by the Firearms Training Unit.
2. Members utilizing an Issued/Approved Rifle or Shotgun shall exhibit sound judgment when deploying the firearm. Deployment of Issued/Approved Rifles or Shotguns shall comply with Policy 1115, *Use of Force* and Policy 409, *Firearms Regulations*.

### **Qualification Criteria – Patrol Rifle Program**

1. Members with at least 2 years of service with the BPD assigned to District Patrol that wish to participate in the Patrol Rifle Program shall submit a completed Rifle Program Application (Appendix B) through the member's chain of command. Members **not** assigned to District Patrol may apply, and their application will be reviewed on a case-by-case basis.
2. The Firearms Training Unit shall review the application and the applicant's prior range scores.
3. Members shall be interviewed by the Firearms Training Unit. The oral interview shall address:
  - 3.1. Personal background,
  - 3.2. Basic competency on handguns, rifles, and shotguns,
  - 3.3. Reality-based scenario questions designed to gauge the applicant's decision-making abilities (e.g., active shooter, call for service scenarios), and
  - 3.4. Any other questions at the discretion of the Firearms Training Unit.
4. Applicants shall also have their prior work history evaluated by the Firearms Training Unit, including:
  - 4.1. Performance evaluations,
  - 4.2. Internal Affairs and Equal Employment, Opportunity, and Diversity complaints and sustained findings,
  - 4.3. Use of force history, and

- 4.4. Patrol experience.
5. Member applications shall include recommendation by their commanding officer.
6. Members must successfully qualify with the range scores listed below in **DIRECTIVES, Education and Training Section**.

### **Deployment Criteria**

The availability of the rifle/shotgun to patrol personnel must not cause members to deviate from notifying SWAT personnel during incidents that would otherwise require their notification. Situations in which the deployment of a rifle/shotgun may be appropriate include, but are not limited to:

1. When a member encounters a suspect that:
  - 1.1. Is armed with a firearm, high-powered rifle, shotgun, or any weapon that is capable of injuring multiple persons or causing multiple serious injuries, or
  - 1.2. Is wearing body armor.
2. When a member receives credible information that a suspect is armed with a firearm, and time and safety permit the member to deploy a rifle/shotgun.
3. An active-shooter incident.
4. Barricade or hostage incidents involving a firearm.
5. When a member is faced with a situation that might require the delivery of accurate and effective fire at long range.
6. When the suspect has a tactical advantage, for example, armed with a firearm on the high ground.
7. To kill a dangerous animal or an animal so badly injured that it requires relief from further suffering (See Policy 409, *Firearms Regulations*). If possible, the weapon of choice should be an Issued/Approved Shotgun loaded with .00 buckshot.

### **Transportation and Storage**

#### Rifles and Shotguns

1. When carrying an Issued/Approved Rifle or Shotgun in an assigned vehicle, members shall not leave the vehicle unlocked or unattended with the keys in the ignition.
2. Patrol rifle/shotgun qualified members shall ensure all Issued/Approved Firearms and Issued Ammunition are stored in such a manner as to be inaccessible to any person or member not qualified and/or authorized to access the firearm or ammunition. Storing firearms anywhere in a motor vehicle is presumptively insecure and prohibited unless locked in a BPD-issued or installed secured gun vault, lockbox, or rack.
3. An Issued/Approved Rifle or Shotgun shall not be left in the trunk after completion of a tour of

duty. Permanent or long term storage of these weapons in a vehicle is prohibited.

4. Members may take an Issued/Approved Rifle or Shotgun home. The rifle or shotgun shall be stored at home consistent with storage of other departmental weapons.

**NOTE:** It is the responsibility of the member to determine whether home storage or district/command armory storage is more appropriate based upon safe storage and accessibility considerations.

5. At a minimum, the rifle/shotgun shall be stored with the ammunition separate, and either: a cable lock through the chamber, a trigger lock, or in a rifle/shotgun safe.
6. The Issued/Approved Rifle or Shotgun, when transported from home to work, or from work to home, in the "transport condition" (see below).

## **Rifles**

### Transport Condition

1. Issued/Approved Rifles shall be kept in the "transport condition" at all times when not deployed. The following describes the transport condition:
  - 1.1. Magazine removed,
  - 1.2. Bolt closed with chamber empty,
  - 1.3. Selector switch on SAFE, and
  - 1.4. Secured in a BPD issued or approved case as approved by the Armory Unit.

### Patrol Ready

1. While on patrol, Issued/Approved Rifles shall be kept "patrol ready." The following describes patrol ready condition:
  - 1.1. Bolt closed on an empty chamber,
  - 1.2. 30 round magazine inserted, (loaded with 25 rounds),
  - 1.3. The rifle shall be kept in a BPD issued or approved case in the trunk of the patrol vehicle.
  - 1.4. Three additional 30 round magazines loaded with 25 rounds each shall also be stored in the approved case.

### Armory Condition

1. The Issued and/or Approved Rifle will be placed in "armory condition", when the rifle is going to be inspected, or checked for maintenance. "Armory condition" is described as follows:
  - 1.1. Magazine removed,
  - 1.2. Bolt open with chamber empty,

- 1.3. Selector switch to SAFE, and
- 1.4. Ejection port visible.

## Shotguns

### Box Condition / Patrol Ready

1. Issued/Approved Shotguns shall be kept in the “box condition” at all times when not deployed. The following describes the “box condition”:
  - 1.1. Fully loaded magazine tube,
  - 1.2. Action closed with empty chamber,
  - 1.3. Safety “on,” and
  - 1.4. Secured in the trunk of a BPD patrol vehicle, in a BPD issued or approved case as approved by the Armory Unit.

### Armory Condition

1. Issued/Approved Shotguns will be placed in “armory condition,” when the shotgun is going to be inspected, or checked for maintenance. “Armory condition” is as described follows:
  - 1.1. All ammunition removed from the magazine,
  - 1.2. Action open with chamber empty,
  - 1.3. Safety “on,” and
  - 1.4. Ejection port visible.

## Maintenance and Inspections

1. Members possessing an Issued/Approved rifle or shotgun are required to respond to the Armory or Gunpowder Range upon request.
2. Members shall be responsible for promptly reporting any damage or malfunction of an Issued/Approved patrol rifle or shotgun to their supervisor via an Administrative Report, Form 95.

NOTE: Only the BPD Armorer shall make modifications to BPD Issued/Approved firearms.

3. The Armory Unit or Firearms Training Unit will inspect each Issued/Approved Rifle during bi-annual qualification, or Shotgun during annual qualification.
4. Issued/Approved Rifles or Shotguns shall be subject to inspection at any time by a rifle/shotgun-certified supervisor, the Range Master, the Firearms Training Unit, or the Armorer. In the absence of a rifle/shotgun-certified supervisor able to functionally inspect the rifle/shotgun,

the presence of and serial number of the rifle/shotgun shall be noted. The results of these inspections will be documented on the weekly equipment inspection sheets.

NOTE: Supervisors must account for Issued Rifles/Shotguns as part of the weekly vehicle and equipment inspection (See Policy 1511, *Vehicle Inspection and Maintenance*).

## **DIRECTIVES**

### **Member**

1. Members whose Issued/Approved Rifles or Shotguns are stored in the district/command armory shall sign-in/out the rifle/shotgun at the beginning and end of each tour of duty.

NOTE: The log book must include the serial number of the rifle/shotgun, date, time and signature of the member obtaining the rifle/shotgun, and witnessing supervisor's signature.

2. Members shall adhere to Policy 1115, *Use of Force* and Policy 409, *Firearms Regulations* which govern deadly force in the display and discharge of Issued/ Approved Rifles or Shotguns.

### **Sector Sergeant**

1. Sector sergeants shall accompany and supervise the member during removal/return of Issued/Approved Rifles or Shotguns from the district/command armory and sign the log book.
2. In incidents where an Issued/Approved Rifle or Shotgun is deployed, sector sergeants shall respond to the scene and supervise.
3. Sector sergeants shall make appropriate notifications to the Communications Section and chain of command when the rifle/shotgun is discharged, and implement steps outlined in Policy 725, *Use of Force Reporting, Review, and Assessment*, and Policy 710, *Level 3 Use of Force Investigations/Special Investigation Response Team (SIRT)*.
4. When conditions warrant, sector sergeants shall ensure SWAT is contacted.

### **Shift Commander/Lieutenant or Sergeant in Charge**

Shift Commanders, Lieutenants, or Sergeants in Charge shall:

1. Ensure sector sergeants are completing required sign-in/out log book.
2. Ensure strict measures are used to secure the Issued/Approved Rifles and Shotguns.
3. Follow the use of force reporting procedures required in Policy 725, *Use of Force Reporting, Review, and Assessment*, and Policy 710, *Level 3 Use of Force Investigations/Special Investigation Response Team (SIRT)*, upon discharge of the rifle.
4. Ensure SWAT is contacted, when conditions warrant.

### Communications Section

1. Upon being notified that a member has deployed a rifle and is engaged in an incident, Communications Section shall notify the neighboring rifle member.

NOTE: Due to the limited number of members who will be qualified to carry an Issued/Approved Rifle, the Communications Section will issue a citywide broadcast upon request by a sector supervisor or shift commander for an on-duty rifle-certified member to respond to an active scene. Once the rifle has been deployed, an announcement will be sent out to all members by the Communications Section to the on-scene supervisor and responding units.

2. Dispatch shall direct the secondary rifle-certified member to switch over to the active incident's communications channel, and provide a safe route of travel.

### Education and Training (E&T) Section

The Range Master, E&T, shall ensure that applying members that meet the below criteria may be approved for the patrol rifle/shotgun program.

#### Rifle School Qualification

Qualified patrol rifle members shall:

1. Have at least 2 years of patrol experience, and have successfully completed the Patrol Rifle Application. Members not assigned to District Patrol may have their application reviewed on a case-by-case basis.
2. Receive immediate supervisor and commanding officer approval.
3. Score an 80% or higher on handgun qualifications for previous 3 consecutive years.
4. Score a 90% or better during previous shotgun recertification.
5. Receive approval from Internal Affairs and EODS after a records check.
6. Pass a verbal interview with the range staff.
7. Fire over 700 rounds during the weeklong patrol rifle course under movement and judgmental stress, scoring 80% or higher.
8. Recertify twice per year by firing 50 rounds at 80% or better.

#### Shotgun Qualification

Qualified members shall:

1. Score 70% or better during annual shotgun qualification per Maryland Police and Correctional Training Commissions (MPCTC) standards.



**APPENDICES**

- A. Approved Firearms
- B. Rifle Program Application Form

**ASSOCIATED POLICIES**

Policy 319, *Duty to Intervene*  
Policy 409, *Firearms Regulations*  
Policy 725, *Use of Force Reporting, Review, and Assessment*  
Policy 804, *First Amendment Protected Activity*  
Policy 1107, *De-Escalation*  
Policy 1115, *Use of Force*  
Policy 1511, *Vehicle Inspection and Maintenance*

**RESCISSION**

Remove and destroy/recycle Policy 412, *Patrol Rifle Program*, dated 1 July 2016.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy

## APPENDIX A

### Approved Firearms

#### Approved Handguns

##### Category "A" Approved Handguns

Glock Model 22, .40 caliber semi-automatic handgun.  
Glock Model 23, .40 caliber semi-automatic handgun.  
Glock Model 27, .40 caliber semi-automatic handgun.

##### Category "B" Approved Handguns

Glock Model 19, 9mm semi-automatic handgun.  
Glock Model 26, 9mm semi-automatic handgun.  
Glock Model 43, 9mm semi-automatic handgun.  
Glock Model 42, .380 caliber handgun.

\*Category "B" Approved Handguns are for off-duty use only, and may not be utilized on-duty. As such, certain modifications such as colored finishes (cerakote, DuraCote, etc.), grip texturing, sights, stippling, etc. may be authorized if the modifications enhance or do not interfere with the performance of the firearm. Factory triggers may not be modified in any way, and must have a minimum weight of 5.5 lbs. The Armory Unit has final authority to authorize/approve modifications and determine if the firearm is approved for utilization. No modified Category "B" Handguns may be utilized while on-duty.

##### Category "C" Approved Handguns

.38 caliber revolver with a barrel length of not less than 2" or more than 4" that meets departmental standards and specifications, made by:

Colt.  
Ruger.  
Smith & Wesson.

#### Approved Shotgun

Remington 870 — .12 gauge pump action shotgun with a barrel length not less than 18" and not more than 20." The barrel shall be smooth bore and contain rifled sights. All accessories and modifications must be approved by the Armory Unit.

#### Approved Rifle

Colt AR-15 — 5.56 /.223 caliber rifle with a barrel length not less than 16" and not more than 20." All accessories and modifications must be approved by the Armory Unit.

APPENDIX B

Rifle Program Application Form

Rifle Program Application Form 496

RIFLE PROGRAM APPLICATION FORM

INSTRUCTIONS: Complete each inquiry below. If not applicable, mark "N/A". Applications should be returned to Director, Professional Development and Training Academy. Candidates will be notified of the date and time for their scheduled interview.

APPLICATION DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ SEQ #: \_\_\_\_\_

- 1. E.O.D.: \_\_\_\_\_
2. Cell Phone #: \_\_\_\_\_
3. Date of Academy Graduation (month/year): \_\_\_\_\_
4. Present Assignment: \_\_\_\_\_ Shift/Loc #: \_\_\_\_\_
5. Present Supervisor: \_\_\_\_\_
6. In the last five years, have you had any sustained EEOC, IAD or Command Investigation complaints? [ ] Yes [ ] No

Sergeant's Evaluation and Comments

- 1. Does the applicant possess the ability to work independently and with minimal supervision? [ ] Yes [ ] No
2. Does the applicant possess the ability to maintain a calm, professional demeanor while making sound decisions during stressful situations? [ ] Yes [ ] No
3. Does the applicant exhibit proficiency in report writing? [ ] Yes [ ] No
4. Do you recommend the applicant for the Rifle Program? [ ] Yes [ ] No
5. Additional comments:

Sergeant's Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Sergeant's Signature \_\_\_\_\_
Applicant: \_\_\_\_\_

Sergeant's SEQ# \_\_\_\_\_

**APPENDIX B**

**Rifle Program Application Form**

**Lieutenant's Recommendation & Comments**

Do you recommend the applicant for the Rifle Program?  Yes  No

\_\_\_\_\_  
Lieutenant's Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lieutenant's Signature

\_\_\_\_\_  
Lieutenant's SEQ#

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**Commanding Officer's Recommendation & Comments**

Do you recommend the applicant for the Rifle Program?  Yes  No

\_\_\_\_\_  
Commanding Officer's Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commanding Officer's Signature

\_\_\_\_\_  
Commanding Officer's SEQ#

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