



Office Of The Sheriff
Allegany County
Maryland

GENERAL ORDER NO: **3-400.00**

TO: All Patrol and Judicial Personnel

RE: **USE OF FORCE/WEAPONS POLICY**

PURPOSE: To establish policy governing the use of force, escalation of the use of force, reporting use of force incidents, and agency issued/sanctioned weapons and necessary training.

EFFECTIVE DATE: 2004

REVISION DATE: 3/1/2016

3-401.00 Definitions

- .01 **Non-Deadly Force:** Type of force which does not have a likelihood of causing death or serious (life threatening) injury.
- .02 **Deadly Force:** Type of force which will cause or has a strong potential of causing death or serious (life threatening) injury.

3-402.00 Use of Force Policy Statement

- .01 It is the policy of the Allegany County Sheriff ' s Office to accomplish its mission as efficiently as possible, with the highest regard for human life and dignity. The use of any type of force will be restricted to the minimum amount necessary to accomplish lawful goals and objectives. The office ' s mission will be accomplished with minimal reliance upon the use of force.
- .02 This order establishes agency policy for the appropriate use of force. Proper escalation of force actions are established to be initiated as required. It must not, however, be derived from this order that personnel must engage in prolonged activity in one level of force before escalating to the next level of force, if necessary, to make an arrest or to prevent death or life threatening injury. A key phrase that should always be remembered is "reasonable and necessary force". For example, a deputy is not required to engage in extended hand-to-hand combat with a subject before going to the next level of force, if necessary, to protect himself or others from

a life threatening situation or to bring a subject under physical control if the level of force being used shows little or no chance of success.

- .03 It is not the intent of this directive to order deputies to use each of the steps in the Use of Force Escalation process before going to the next step. Clearly, good judgment and circumstances of each situation will dictate at which level a deputy will commence. **DEPUTIES USING ANY TYPE OR FORCE WILL BE HELD ACCOUNTABLE FOR ITS USE.** A deputy may repel force with the appropriate level of force. A prudent deputy, in making an arrest, will consider the severity of the crime in question and the character of resistance faced, and uses only such force as may be necessary to overcome the resistance and make the arrest.
- .04 All sworn personnel will be issued a copy of this order before being authorized to carry any agency issued/approved weapon. Personnel will be instructed and tested on this policy before being authorized to carry weapons.
- .05 Personnel will not wear, carry, use, or otherwise possess, while on or off duty, any item which is in violation of any Federal, State, or local law.

Personnel will not wear, carry, use, or otherwise possess, while on duty, any item that could be construed as a defensive/offensive weapon that is not issued by the Sheriff's Office.

- A. The only exception is a pen knife with a blade that is four (4) inches long or shorter, commonly known as a "pocket knife".
- B. If a member chooses to carry a knife described in "21-102.05 A", it will not be used as an offensive/defensive weapon except in situations where deadly force is authorized by law and only when all other means have been exhausted.

3-403.00 Use of Non-Deadly Force

- .01 Sworn personnel of this office may use non-deadly force in the performance of their lawful duties in the following circumstances:
 - A. To protect oneself from injury
 - B. To protect another person from injury
 - C. To prevent the commission of a crime

- D. To prevent another person from injuring himself
- E. To effect a lawful arrest

3-404.00 Use of Deadly Force

- .01 Sworn members of this office may use deadly force in the performance of their duties in the following circumstances:
 - A. To protect oneself or another when the deputy reasonably believes a fatal Injury (death) or serious injury (life threatening) is highly probable if appropriate action is not taken. Reasonable belief may be defined as "facts or circumstances known at the time by the deputy that would cause an ordinary and prudent person to act or think in a similar way under like circumstances". Facts discovered after an event, no matter how compelling, cannot be considered in later determining whether the amount of force used was justified. (Refer to Supreme Court Decision: **TENNESSEE v. GARNER, 1985**, See Attachment "A")
 - B. To prevent the escape of a fleeing felon if:
 - 1. Probable cause exists that the fleeing felon poses a significant threat of death or serious injury to oneself or another person, and;
 - 2. All other means of preventing escape have failed, and;
 - 3. The subject is given a verbal warning, whenever feasible, before deadly force is used.

3-405.00 Misuse of Force

- .01 Misuse of force occurs when physical action is taken against a person that is neither necessary nor appropriate. When any degree of force is used as summary punishment or for vengeance, it is clearly improper and unlawful.
- .02 The unlawful use of physical force may constitute a malicious assault. When the use of force is applied indiscriminately, the offending deputy will face agency disciplinary charges, along with the possibility of criminal/civil actions toward them.

3-406.00 Use of Force Reporting

- .01 Deputies engaging in the use of force will make the Shift Supervisor aware of the situation as soon as possible. Upon being informed of a use of force incident resulting in death or serious injury, or when a firearm has been discharged as a means of force, a supervisor will be dispatched immediately to the scene. Personnel involved in use of force incidents will document the circumstances on the "Use of Force Report" form, and submit it to the Shift Supervisor for review prior to the end of shift. After review/comments and signature, the Shift Supervisor will forward the report to the Shift Lieutenant no later than the next day. A copy of the report will be forwarded to the deputy's regularly assigned supervisor. Use of force reporting will include, (but not be limited to), the following incidents:
- A. When pepper spray is used
 - B. When any type of physical force (open/closed hand) is used
 - C. When the ASP Baton is used, (excluding the simple drawing of the baton with no further action). When the Baton is used, a copy of the "Use of Force Report" will be forwarded to the Senior ASP Instructor within 24 hours.
 - D. When the X26 Advanced Taser®, or any other agency issued Taser is deployed
 - E. When a firearm is discharged as a means of force
 - F. When a vehicle is used as a means to stop another vehicle or as a weapon against a person, and damage or injury occurs. (This does not include routine traffic stops.)
 - G. Any member of the office witnessing or having knowledge of another member being involved in a use of force incident resulting in death, injury, or the inappropriate use of force will make an immediate supervisor aware of the situation as soon as possible.
 - H. Upon being notified of a use of force incident involving death or serious injury, or when a firearm has been discharged as a means of force, the Shift Supervisor will immediately notify the Shift Lieutenant, who will notify the Sheriff or his designee, and other personnel assigned to investigate the incident.

- .02 In those instances where a deputy involved in a use of force situation cannot complete the required report due to injuries; the Shift Supervisor will collect all available information and complete a "Use of Force Report" form. The Shift Supervisor or other personnel assigned the investigation will be responsible for obtaining a detailed account from the deputy involved to supplement the initial "Use of Force" form as soon as circumstances allow.

3-407.00 Responsibilities of Responding Personnel to the Scene of a Deadly Force Incident

- .01 The first deputy to arrive at the scene of a deadly force incident, involving agency personnel, will take, (but not be limited to), the following actions, as applicable:
- A. Render/secure medical assistance to injured parties.
 - B. Inform Communications of the situation and request specific assistance, as necessary.
 - C. Secure any suspects/witnesses, secure information on any suspects/witnesses which must be transported to hospital.
 - D. Secure any evidence and protect the scene.
 - E. If any office issued weapon was used in the deadly force incident, the first deputy on the scene will:
 - 1. Inspect the weapon(s), and;
 - 2. Make written notes of the condition of the weapon(s), paying particular attention to:
 - a. Any evidence on the weapon(s)
 - b. Number of rounds fired
 - c. Condition of weapon(s)
 - d. Any other remarks the deputy believes is necessary for documentation.

- F. The deputy ' s notes will be surrendered only to the investigating deputy assigned to the incident.
- G. The weapon will be retrieved by the first supervisor to arrive on the scene until disposition is made on the circumstances of the event.

3-408.00 Actions Leading to Death or Serious Injury or Post Deadly Force Assignment/Evaluation

- .01 Personnel involved in deadly force or serious injury incidents, including the discharge of a firearm as a means of force, will be placed in an Administrative Status pending review. Such an assignment is not disciplinary in nature, but rather an action for the purpose of relieving the member from routine police duties while undergoing the extreme emotional stress of having used deadly force or causing death or serious physical injury. The length of the administrative assignment will be determined by the Sheriff, after review of recommendations by the immediate supervisor of the deputy involved, and the designated Psychologist.
- .02 Personnel involved in deadly force incidents or whose actions led to death or serious physical injury, will be required to meet with an agency designated Psychologist as soon as practical after the incident.

3-409.00 Reviewing Use of Force Incidents

- .01 Physical Force/Intermediate Weapons: The review process to determine if use of force was necessary and proper will consist of reviews by the Shift Supervisor at the time of the incident, the Agency Lieutenants. If the use of the physical force/intermediate weapons results in death or serious injury, a review board consisting of the Shift Supervisor, the Agency Lieutenants, and other personnel as may be assigned the investigation, will be convened for a review. The Use of Force form with review comments will be forwarded to the Sheriff with recommendations within ten (10) working days of the incident.
- .02 Firearms: If a firearm is discharged during a Use of Force incident, a review board will be convened consisting of the Agency Lieutenants, the Senior Firearms Instructor or designated instructor, and personnel conducting internal investigation, if applicable. The Board will compile a report of its findings along with recommendations for the Sheriff who will decide if any subsequent agency action is required.

- .03 Personnel involved in a deadly force incident will be afforded all rights as specified by law. The Law Enforcement Officers ' Bill of Rights will be adhered to throughout any administrative investigation, and Constitutional Rights will be rigorously protected during any criminal investigation; i.e., right to counsel, custodial Miranda warnings.

3-410.00 Need for Medical Attention

- .01 After the use of non-deadly and deadly weapons/force, personnel will immediately evaluate the situation to ascertain if the person upon who force was used is in need of any medical assistance. Medical treatment will be provided or requested if the person is obviously injured, in pain, or requests medical treatment.
- .02 Appropriate actions will include providing first aid supplies for minor cuts, abrasions, etc. If the injuries require treatment beyond the capability of agency personnel, the subject will be transported to the hospital by rescue personnel.
- .03 The Shift Supervisor will be notified of injuries sustained through the use of force as soon as possible. The Shift Supervisor will ensure serious or life-threatening injuries are reported to the Shift Lieutenant immediately.
- .04 Refusal of medical treatment by the injured party will be documented in the Use of Force report and witnessed by at least two agency personnel.

3-411.00 Escalating Use of Force

- .01 When the use of force is necessary and appropriate, members of this office will, to the extent possible, utilize an escalating scale of options, employing the least amount of force necessary, and escalating force in severity only when faced with progressively hazardous actions by the other party involved. The following steps comprise the Escalating Force Continuum:

A. Verbal Persuasion

- 1. While verbal communications are not in and of themselves a use of force, they must be considered in the Force Continuum. The practice of courtesy in public contacts often encourages understanding and cooperation. Lack of courtesy often arouses resentment and even physical resistance.

2. Simple directions resulting in compliance are, by far, the most desirable method of making an arrest or in defusing a tense situation. Control of the situation may be achieved through advice, persuasion, or warnings before resorting to the actual use of force, and should be attempted if at all possible before progressing to the next level of force.

B. Oleoresin Capsicum (OC/Pepper Base Spray)

1. OC is an aerosol type weapon with an active ingredient derived from the Cayenne Pepper Plant.
2. Physical effects of being sprayed range from severe twitching of the eyes to involuntary closing of the eyes; respiratory inflammation consisting of coughing and shortness of breath with a gagging sensation; exposed skin inflammation ranging from slight to acute burning sensation and redness of skin. A return of respiratory functions usually occurs within two minutes. A return of visual acuity generally occurs within two to five minutes after decontamination.
3. Decontamination consists mainly of continuous flushing the face, eyes, and exposed skin with water, then allowing the affected areas to air dry. After spraying a subject, decontamination procedures will be initiated as soon as possible with due concern for security.
4. Numerous tests conducted by the F.B.I. have indicated chances for long term effects to be nil.
5. Pepper Spray may be used in, but not limited to, the following situations:
 - a. To subdue a person resisting arrest after the person fails to comply with clear and specific verbal instructions to submit.
 - b. To quell a violent situation after clear and specific verbal instructions have failed.

- d. To protect the life/safety of oneself or another. Pepper Spray may be used against animals for defensive purposes only; i.e., if the animal is threatening the life or safety of personnel or civilian. If Pepper Spray is used against a domestic animal, a Use of Force form will be completed, by the end of the shift, and the owner, (if they can be identified), made aware of same.
 6. While verbal instructions/warnings should be given before using Pepper Spray, this order is not intended to infer that instructions/warnings must be given if to do so puts oneself or others at risk.
 7. Personnel will receive training from a certified Pepper Spray Instructor before being issued Pepper Spray canisters.
 8. After usage or accelerated discharge, the Deputy will report to the Shift Lieutenant to have new Pepper Spray issued. Those canisters not used by the expiration date will be replaced.
- C. X26 Advanced Taser®
1. See General order No: 3-500.00
- D. Physical Force (Open/Closed Hand)
1. A subject may resist being taken into custody and offer some degree of physical resistance. In this instance, physical strength and skill in defensive tactics may be used to subdue the subject. While such physical actions generally are not considered as having lethal consequences, care must be taken if strikes or holds are initiated. No action will be taken which could result in death or serious injury; i.e., chokehold, unless deadly force is appropriate.
 2. Physical defensive tactics are those intended for use when other weapons are not available or their use is inadvisable or unreasonable under the circumstances. Good judgment is important in deciding which tactics to use and how much force to employ. The force used must be the minimum amount necessary to affect the arrest or to accomplish the lawful mission.

3. When confronted with a situation which may necessitate the use of physical force, assistance will be requested prior to contact, whenever feasible.
- E. ASP Baton: The Baton, in the hands of a properly trained person, is a very effective weapon. Care must be taken to use the weapon as demonstrated in agency training to prevent unnecessary or serious injury. The baton may be used against a combative individual when verbal persuasion, pepper spray, or physical force were ineffective, unavailable, or would be inadequate.
- F: Deadly Force: Deadly force involves actions, which if successful, have a high chance of resulting in death or life threatening injury to the person directed against. Deadly force actions may involve the use of any item, article, instrument, or equipment, which when used in a specific manner, may produce death or serious injury. Such equipment may be normally used for other purposes such as a vehicle, flashlight, handcuffs, etc. Deadly force actions must only be employed when facing like actions.

3-412.00 Weapons to be Used by Agency Personnel

- .01 Generally, only weapons issued or approved by the office will be utilized by agency personnel. Personnel will not be issued nor allowed to carry or use a weapon until they have successfully completed training with the weapon. For example, striking a subject with a flashlight would be inappropriate because it was not issued as a weapon, nor was training provided. However, in questions of survival (Deputy or Civilian), any article available can be used in defense if the levels of force delineated in this policy prove to be ineffective or unavailable. "Reasonable and prudent" actions must always be considered; what action is appropriate for the circumstances, and will innocent parties be placed at risk.
- .02 Weapons Qualifications
 - A. All sworn personnel, below the rank of Sheriff, will successfully complete annual certification and qualification in the following weapons:
 1. ASP Baton
 2. Pepper Spray
 3. Issued Firearm

4. Shotgun
5. Approved off-duty weapon, if desired.
6. X26 Advanced Taser®
 - a. This training will be optional for the deputy. No untrained deputy will be allowed to deploy the X26 Advanced Taser®.
- B. Minimum qualification score will be 70 percent as prescribed by the Maryland Police Training Commission.
- C. Personnel will not be issued nor will they carry or use any weapon that they have not qualified/certified with.
- D. All certification/qualification classes will be approved by the Maryland Police Training Commission.
- E. Personnel who are unable to qualify with the issued firearm will be placed in an administrative status until they are able to qualify or other action is taken by the Sheriff.

3-413.00 Intermediate Weapons

- .01 Intermediate Weapons for purposes of this policy, may be defined as those issued or approved weapons that are generally considered, when used in accordance with agency policy and training, to be non-lethal. Authorized issued intermediate weapons include:
- A. O/C Pepper Spray - The use of pepper spray and subsequent decontamination will be in accordance with agency policy and training.
 - B. ASP Baton - The ASP Baton will be used in accordance with agency policy and training. While in uniform, sworn personnel issued an ASP Baton, will wear the baton at all times.
 - C. X26 Advanced Taser – The X26 Advanced Taser will be used according with Agency policy and training, (see General Order 3-500.00.)

3-414.00 Firearms

.01 Firearms (General)

- A. Employees of the Sheriff's Office, who are sworn enforcement deputies, certified by the Maryland Police Training Commission, will be armed with an agency issued or approved firearm while on duty. Personnel will, at all times, be in possession of their badge and identification.
- B. Sworn personnel, of the Sheriff's Office, need not carry a firearm while off-duty. If they choose to do so, however, they will be governed by the rules and regulations contained in this order. Non-sworn employees of the Sheriff's Office will not be allowed to carry a firearm, (except as allowed by law to private citizens under Article 27, of the Annotated Code of Maryland). Agency personnel will not be allowed to carry a firearm while on suspension.
- C. While off-duty, employees will not wear or display a firearm in an obvious or flagrant manner, or in any other way which would create public concern/apprehension or could possibly raise other safety concerns. Handguns carried while a member is wearing civilian clothes will be carried in a concealed manner.
- D. No employee of the Sheriff's Office will carry a firearm while participating socially at any location where alcoholic beverages are being consumed. No employee will carry a firearm while consuming an alcoholic beverage or while under the influence of an alcoholic beverage. A supervisor may order, with just cause, a deputy to submit to an intoximeter test, (in accordance with the "Law Enforcement Officers' Bill of Rights"), if the deputy is carrying a firearm and if there is reasonable suspicion that the deputy has a blood alcohol content beyond indigenous levels (.003).

.02 Restricted/Prohibited Use of Firearms

- A. Firearms use is prohibited:
 - 1. as a warning shot.
 - 2. As a level of force when a life threatening/serious injury situation does not exist and to do so would constitute a misuse of force.
 - 3. At any time as a result of a careless or negligent act or when unnecessary to do so.

.03 Allowed Use of Firearm

A. Discharge of firearms is permitted as follows:

1. As defined previously in this order, when deadly force actions are justified in defense of oneself or others. The use of a firearm must be considered a deadly force option. It will not be used in an attempt to wound only. Personnel must be aware at all times, to the extent humanly possible, of the potential risks to innocent people if firearms are used, and govern their actions accordingly.
2. To kill an animal that is jeopardizing the safety of oneself or others.
3. To kill an injured animal (with consent of the owner if a domestic animal and the owner can be located in a reasonable amount of time).
4. To give an alarm or to summon assistance when other practical means are not available.
5. On a firing range.

.04 Firearms Discharge Reporting

- A. Except for range fire, a detailed report will be completed when a firearm is discharged. If the weapon was discharged in a use of force situation, the "Use of Force" report will also serve as the Discharge Report. When a firearm is discharged for the purpose of destroying an animal, wild or domestic, it will be entered and noted in the proper Incident report.
- B. Any incident involving discharge of a firearm, (excluding training), to include the accidental/negligent discharge of a weapon by personnel of this office, on or off duty, will immediately be reported to the on-duty supervisor. A complete investigation into accidental/negligent discharge of a weapon by agency members will be conducted by the member's Shift Supervisor before the end of shift, (unless other personnel are assigned to investigate by higher authority). Negligent or accidental discharge of a firearm by agency personnel may result in disciplinary action and/or retraining in an attempt to correct the deficiency.

- C. Members involved in a use of force incident involving weapons discharge or deadly force will refrain from discussing the incident with anyone other than the Shift Lieutenant, the investigator assigned to conduct an administrative or criminal investigation, or their selected counsel, until authorized to do so by the Sheriff.

.05 Firearms Discharge Review

- A. Firearms discharge incidents will undergo a review process to ensure proper use of firearms by agency personnel, and to identify possible training needs. The review process includes:
 - 1. A Review Board will be conducted of all weapons discharges which occur in a Use of Force incident, and in accidental/negligent discharges where an injury is the result. A Review Board may be convened, however, by the Command Staff on any weapons discharge as deemed necessary.
 - 2. See "3-409.00" for Review Board composition.
 - 3. All other firearms discharge reports will be reviewed by the Shift Supervisor at the time of the incident, and Shift Lieutenant, before being submitted to the Sheriff with comments/recommendations.

.06 Firearms Equipment Standards

- A. The agency armorer will inspect each agency issued firearm at a minimum, once each year to ensure that it is in proper working condition.
- B. Only firearms issued by the office will be carried by **Uniformed On-Duty Personnel**. No second backup weapon shall be carried while on duty without permission from the Sheriff. Such report, through the chain of command, shall explain, in detail, adequate justification for the need to carry more than one firearm.
- C. All personal firearms, before being carried, by **Non-Uniformed On-Duty or Off-Duty Personnel** must be inspected by an approved armorer, approved by the Shift Supervisor, for safety and reliability. Such inspections on private weapons are the responsibility of the owner as to scheduling and expense.

1. If an employee owned weapon that is approved for **Non-Uniformed, On-Duty** use by the Sheriff requires service, the owner will ensure:
 - a. An “Armorer ’ s Inspection” is completed by an approved Armorer.
 - b. The “Armorer ’ s Inspection” results are forwarded to the senior armorer.

.07 Request to Use Non-Issued Firearm as On/Off-Duty Weapon

- A. Only plain clothes, sworn personnel may carry an off duty weapon, as approved by the Sheriff, while in an on-duty status.
- B. A written request to use a non-issued firearm will be submitted to the Sheriff through the chain of command.
- C. No modifications are to be made to weapons, once they are approved.
- D. Personnel will be responsible for furnishing their own agency approved ammunition for approved private off-duty weapons. The office will furnish ammunition for a private weapon that is approved to be carried by non-uniformed, on-duty personnel.
- E. Off-duty weapon will be carried in such a manner as to be concealed from public view.
- F. The approved armorer, may revoke permission to carry a personally owned off-duty weapon if, in his opinion, the weapon is unsafe.

.08 Agency Approved Firearms

- A. .9mm
- B. .40 Caliber
- G. 12 Gauge Pump Slide Action Shotgun with barrel 18" or longer.
- H. Short Barrel Shotguns may be permitted under the following conditions:
 1. The firearm is registered with the Bureau of Alcohol, Tobacco and Firearms. Paperwork will be maintained on file with the Chief Deputy.

2. The requesting deputy demonstrates a need for the firearm.
3. Proficiency must be demonstrated through an approved firing range course sanctioned by the Maryland Police Training Commission.
4. Approval has been granted by the Sheriff.

.09 Issuance/Maintenance of Shotguns

- A. The office will utilize 12 gauge pump action and Semi-Auto shotguns. Shotguns will be issued to personnel assigned vehicles. Shotguns may be carried in vehicles with a fully loaded magazine, but a round will not be left in the chamber. The safety will be on while the weapon is in the vehicle.
- B. Ammunition carried in the magazine of the weapon will be 00 Buck Shot. Each weapon will have an elastic butt ammunition holder that will contain spare buck shot rounds along with two (2) rifled slugs.
- C. All maintenance, modifications, or changes will be performed by the agency armorer only. Shotguns will be annually inspected, during range dates, by the firing range instructor, and any malfunctions reported to the armorer.
- D. Shotguns will be kept secure while not in use by a gun lock or by securing them in the locked trunk of the vehicle. No unsecured firearm will be left in an agency vehicle at any time; i.e., handgun under the seat.
- E. The bulk of responsibility for the maintenance and security of the weapon will fall upon the deputy to whom the vehicle is assigned. Responsibility is also shared to a degree, however, with any other deputy who may operate the vehicle in that anyone discovering the shotgun to be operable or in need of proper maintenance should bring it to the attention of the armorer. Weapons will be checked frequently to ensure proper operation. Any deviation in proper operation will be reported to the armorer as soon as possible.

.10 Specialized Weapons

A. Specialized Lethal Weapons

1. The Allegany County Sheriff's Office has in its possession, certain specialized weapons, such as shotguns, long range sniper rifles, and tear gas. Only properly authorized and trained personnel are permitted to possess or use these weapons. The Senior Armorer shall designate who is qualified to possess or use these specialized weapons.
2. No member of the Allegany County Sheriff's Office, while in the normal exercise of their duties, shall carry, use or discharge any firearm except those which the member has qualified with and met agency requirements.
3. Sworn personnel assigned to Special Operations will be permitted to carry specialized weapons when on that specified detail. At all other times, the agency issued handgun will be worn.
4. The Sheriff retains the right of final approval regarding issuance of specialized weapons.
5. A list will be forwarded of qualified personnel to the Sheriff, upon his request.

B. Non-Lethal Weapon - (Tear Gas)

1. Only authorized, trained members may use Tear Gas, under the direction of the Senior Armorer.

.11 Holsters

- A. Uniformed deputies will wear only their issued holsters while on duty.
- B. Plain clothes administrative personnel, as designated by the Sheriff, or off-duty deputies will wear a holster with the following requirements:
 1. Trigger Guard covered, and leather or nylon strap that securely holds weapon in holster.
- C. All off-duty holsters must be approved, in writing, by the Sheriff prior to their use.

.12 Weapons Maintenance/Safety (General)

- A. Only Sheriff ' s Office personnel may use, clean, or otherwise handle agency issued firearms, except other necessary arrangements by the agency armorer.
- B. Deputies will only relinquish their issued firearms to a senior deputy within the office, the agency armorer, or a firearms instructor, and then only after unloading and checking the weapon. Family members, friends, etc., will not be permitted to examine issued firearms.
- C. Firearms will be cleaned within four (4) hours after they have been used.
- D. Personnel are responsible for periodic cleaning of issued weapons. Disciplinary action may be taken if a weapon is not properly maintained; i.e., rust, improper operation.
- E. Proper care will be used in storing approved on/off duty firearms at residence, especially when children are in the home.
- F. Shift supervisors will check issued weapons at least once each month for cleanliness and serviceability. Any deficiencies will be reported to the agency armorer.

.15 Approved Ammunition for Agency Handguns

- A. Members will only use the ammunition that is approved by this office in agency issued handguns. Ammunition for all approved off duty handguns will be purchased by the deputy and will be approved by the Sheriff prior to being carried.

By Order Of:

Craig A. Robertson, Sheriff

“Attachment A”

Tennessee v. Garner, 471 U.S. 1 (1985), was a case in which the Supreme Court of the United States held that under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, he or she may use deadly force only to prevent escape if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.