
S.O.P. #: 200-02 (formerly 200-04)

SUBJECT: FIREARMS POLICY

DIVISION: FIRE INVESTIGATION

Objective: To outline policies and procedures for the use of firearms by Fire Investigation personnel.

Situations which require a determination of propriety in the use of Fire Investigator weapons occur infrequently; but, because of the extreme consequences which result from Fire Investigator shootings, as well as other kinds of force, the issue must be considered one of vital concern. Despite the legal justification for using deadly force to deal with those who may perpetrate crimes against property, little deliberation is needed to recognize the distinction between the value of a human life compared to the value of property. It must be understood that the laws justifying the use of deadly force do not obligate an employee to use such force, but rather, define the legal parameters within which they may act and provide them several alternative courses of action. Therefore, both the responsibility for whatever choice they may make and the actual employment of deadly force lie solely with the employee.

Section 1: The purpose of this section is to define the policy of the Baltimore County Fire Department regarding the use of weapons and to establish procedures relating to the use and care of those weapons.

A. General Policy Statements:

1. All employees of the Fire Investigation Division, when on duty, shall be armed with an agency-issued firearm. They will carry their badge or identification card and Maryland State Police Gun Permit.
2. Under no circumstances will an employee of the Baltimore County Fire Investigation Division wear, carry, or display a weapon in an obvious or flagrant manner that would invite unfavorable comment from the public. The weapon shall never be visible to the public.
3. Weapons will only be carried while on duty and travelling to and from work.

B. Use of Force:

1. It is the policy of the Baltimore County Fire Department that the members of the Fire Investigation Division, shall, in every circumstance, use only the minimum force necessary to protect themselves, and shall exhaust every reasonable means of protection before using firearms.
2. An employee's decision to use the firearm must be based on what reasonably appears to be facts known or perceived by the individual at the time that the weapon is used. Information made available after the incident occurred may not be used to justify the employee's action.
3. Employees may use the force necessary to protect themselves on an equal basis to protect others. If a fire investigator is put in a position where they assume the responsibility to protect a third party, they may do so to the same extent they may use force for self-protection.
 - a. Use of the weapon (deadly force) should only occur in response to being faced with deadly force.

C. Firearm Use - Permitted:

1. An employee of the Baltimore County Fire Department, Fire Investigation Division, may discharge their firearm in the performance of their official duties only under the following circumstances:
 - a. Deadly force should be utilized only when the fire investigator or someone in their protection is faced with deadly force.
 - b. In self-defense, or to defend another person who has, or is being unlawfully attacked, from death or serious injury, when lesser force than deadly force could not be used.
 - c. Any use in practice on a firing range.

D. Firearm Use - Prohibited:

1. A member of the Fire Investigation Division shall not discharge their firearm under the following circumstances:
 - a. Any situation not described in letter "C" above.

E. Reporting Procedure:

1. Except when practicing on the range, every employee shall, without delay, notify the Fire Chief through the chain of command when they discharge any firearm, whether in the performance of their duty or not. When the discharge of a weapon causes death or injury of a person or the discharging causes unusual public interest, the supervisor or designee will immediately notify the appropriate Deputy Chief and Fire Chief by the most expeditious means available.
2. Except as hereinafter noted, an employee shall submit a written explanation, in detailed report format, to their supervisor to be forwarded with any related reports, through the chain of command, to the Fire Chief each time that a firearm is used in the performance of duty. Said report should be submitted before the close of the tour of duty during which the incident occurred. In every instance, the employee's supervisor, Battalion Chief, and Deputy Chief will, by endorsement, indicate whether or not they consider that the use of the firearm by the subordinate was within the proper performance of duty.
3. If the discharging of a weapon causes injury or death, the weapon will not be tampered with after the incident. It will be relinquished to the Police Officer at the scene of any such incidents.

F. Firearm Qualifications:

1. The Baltimore County Police Department has designed practical firearms courses to accommodate qualification of investigators with agency-issued handguns.
 - a. It shall be the responsibility of each supervisor to see that all employees under their supervision fire a practical pistol course approved by the Police Department twice each year.

G. Registration:

1. All investigators will be required to have an "authorization by permit" to carry a handgun. This permit will be issued by the Maryland State Police and paid for by the Baltimore County Fire Department.

H. Ammunition:

1. Only that handgun ammunition issued by the Police Department shall be carried and used in the handgun issued to the investigator.

I. Safety and Security:

1. Only those employees specifically issued a handgun shall have the authority to use, clean, or otherwise handle Fire Department-issued firearms.
2. Family members, friends, or fellow officers shall not be permitted to examine any employee's weapon. A fire investigator shall relinquish their weapon for inspection only to a superior officer or a firearms instructor, and only after the weapon has been completely unloaded.
3. Firearms shall be cleaned promptly after they have been used; however, it is imperative that this cleaning be done only in a safe location free from distraction. Prior to cleaning, all weapons will be checked to assure that they are unloaded and safe.
4. All weapons should be unloaded in a safe place and made safe before storage at an installation or in an employee's home.
5. In all agency installations, firearms shall be kept out of the reach of public and shall not be left unsecured or unattended.
6. In the home, firearms shall be kept out of sight. Children are particularly curious about guns, especially those children who may be visiting an employee's home. Weapons shall be kept in a locked container or drawer as far out of reach of youngsters as possible.
 - a. There is grave danger in keeping firearms near a bed or under a pillow. There is the possibility that children may discover them and that the owner, in handling the firearm, may not be fully awake and cognizant of their actions.
7. An investigator shall never leave their firearm in an automobile.

J. Repairs and Maintenance:

1. Agency personnel will regularly inspect their issued and approved weapons for dirt or corrosion and will keep them clean and in good condition at all times. Personnel will clean their weapons as soon as possible after they have been discharged.
2. Agency-issued firearms shall be forwarded to qualified experts in the Police Department for all repairs and adjustments which must be made, however slight.
3. Supervisors will inspect handguns and ammunition once per month.
4. All agency-issued firearms that are newly issued or are newly repaired, shall be test-fired by a Police Department expert to assure their serviceability before they are carried.

K. Firearms Discharge Review Board Duties and Responsibilities:

1. The Firearms Discharge Review Board shall be conducted by the Baltimore County Police Department.