

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> November 1, 2015		<i>Directive</i> 6.05.1	
<i>Subject</i> Carrying and Use of Weapons On and Off Duty					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 6.05.1 Carrying and Use of Weapons On and Off Duty		<i>Review Date</i> October 9, 2023	
				<i>Pages</i> 3	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to regulate the carrying of firearms on-duty and off-duty.

SECTION 2 POLICY

It is the policy of the Department that sworn employees will only carry and/or use weapons on-duty or off-duty in accordance with the provisions of this policy.

SECTION 3 PROCEDURES

A. BACKUP HANDGUNS

1. Officers carrying backup handguns shall ensure that the weapon is secured at all times, either on his person or in a secure place in the police unit. Backup handguns shall not be left unattended on or under the seat in the police unit. If an officer exits his police unit and chooses not to carry the backup handgun on his person, he shall secure the handgun in the unit and ensure that the doors are locked and the windows are rolled up.
2. Officers who wish to carry a second, or backup, handgun while on duty must make a written request to the Chief of Police stating the make, caliber, and serial number of the handgun. Backup handguns shall be no smaller than .25 caliber and no larger than .45 caliber. Officers will be required to qualify with the handgun before permission will be granted to carry it as a backup.
3. Officers shall keep backup handguns clean, oiled, and in perfect working condition at all times. Officers shall not attempt repairs on handguns approved for backup use. Backup handguns shall be repaired at the officer's expense by a qualified gunsmith.

B. PATROL RIFLES

1. Officers who are authorized to carry patrol rifles are to secure the weapon in a case designed to prevent damage or misalignment of the sighting system while not in use. The rifle case is to be stored in the trunk of the patrol car. In the case of a specialty vehicle with no trunk, the patrol rifle

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 6.05.1	<i>Subject</i> Carrying and Use of Weapons On and Off Duty
-----------------------------------	--

will be stored in the rear of the vehicle and out of sight or in an installed specialized rack designed to secure the rifle.

2. Patrol rifles should be carried with the chamber empty, safety on, full magazine inserted in the rifle, and the bolt in the forward position. Rifles should not have a round chambered until the officer makes the decision to deploy the rifle.
3. Officers who have been assigned rifles shall carry the weapon in their assigned unit whenever they are on duty.

C. OFF-DUTY HANDGUN

Officers are not required to carry a handgun when off duty. If an officer chooses to carry a handgun while off duty, he is required to carry it away from public view. He may carry his on-duty handgun while off duty, or may arm himself with another Department-approved handgun. Any deviation will require prior approval from the Chief of Police. Officers shall be required to qualify with a handgun before carrying it off duty.

D. ON-DUTY HANDGUNS

1. Officers shall keep on-duty handguns clean, oiled, and in perfect working condition at all times. Officers will immediately notify their supervisor of any malfunction of a Department-issued handgun. The supervisor will notify the Support Services Division, who will arrange for repair or replacement. Officers shall not attempt repairs on Department-issued handguns.
2. Officers will not disassemble any Department-issued handgun, other than the 3-step breakdown for routine cleaning. If the handgun must be disassembled, the Support Services Division shall be contacted and the procedure for a malfunction shall be followed.

E. LOANING HANDGUN

Officers shall not loan their Department-issued handgun to another officer unless an emergency situation demands it or they are so directed by their division commander. Department-issued handguns will not be loaned to persons outside the Department.

F. DRAWING HANDGUN

1. Handguns shall not be displayed or drawn in public view on duty or off duty, with the exception of routine inspection, unless the handgun is actually being used to respond to resistance or aggression, qualification, cleaning, or target practice.
2. Officers shall not point their handguns at any person unless circumstances exist which would lead them to reasonably believe that their personal safety or that of a third party is in jeopardy, and that the use of deadly force under such circumstances would be justified under law.

G. USE OF FIREARMS AND DEADLY FORCE

1. Deadly Force is defined as follows: Deadly force is a response to resistance or aggression that is intended to cause, is known by the subject to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury. The decision to use deadly force rests with each officer and cannot be delegated. Officers are authorized by Department policy to use

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 6.05.1	<i>Subject</i> Carrying and Use of Weapons On and Off Duty
-----------------------------------	--

deadly force in self-defense or in defense of a third party when it reasonably appears that there is imminent danger of serious bodily injury or death. Officers are urged to consider the following orders and to think about the possibilities such action could cause, both to himself and to others.

Examples of deadly force are:

- a. Discharge of a firearm at a person.
 - b. Carotid Hold (choke hold).
 - c. Vehicular force
- H. In all instances involving the use of deadly force, the officer involved shall immediately notify his supervisor, who shall then notify the Division Commander. The Division Commander will notify the Chief of Police.

I. DISCHARGE OF HANDGUN

Handguns shall not be discharged for any of the following reasons:

- 1. As a warning.
- 2. In a misdemeanor case, unless in defense of life or to prevent serious bodily injury.
- 3. To stop a fleeing felon when there is no indication of imminent danger of death or serious bodily injury to the officer or a third party.
- 4. In defense of a third party's property, unless deadly force was used to acquire the property and imminent danger of death or serious bodily injury is present to the officer or to the third party.
- 5. From a moving vehicle or at a moving or fleeing vehicle except when necessary in the defense of an officer's or another person's life and all other reasonable means of defense have failed.

J. RESPONSIBILITY

- 1. All members of the Department shall know and comply with all aspects of this directive.
- 2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.