

**MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES**  
**SECTION: Weapons**

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### I. General Information

Regularly commissioned officers and reserve officers are authorized by state law to carry their firearms both on and off duty within the State of Tennessee. When firearms are carried off duty, they are to be concealed, so as not to alarm the public, and secured in a holster with a mechanical, pressure, or friction retention device. An appropriate length garment shall cover the firearm.

Only weapons and ammunition authorized by the department may be used by personnel during performance of law enforcement responsibilities. Only department personnel demonstrating proficiency in the use of department authorized weapons will be approved to carry such weapons. All personnel being trained to carry lethal and less lethal weapons will be instructed in and issued copies of MPD P&P Chapter II Section 8 Response to Resistance before being authorized to carry the weapon. At least annually, all personnel authorized to carry weapons are required to receive in-service training on the MPD Response to Resistance policy and demonstrate proficiency with all approved lethal weapons that the officer is authorized to use. In-Service Training for officers authorized to carry less lethal weapons and use weaponless control techniques shall occur biennially.

Before any weapon is used by any employee in the performance of their duty and prior to carrying it on or off-duty, the weapon must be reviewed, inspected, approved and recorded by the FTU Gunsmith department to ensure compliance with MPD Policy and Procedure, proper operating condition and safety. Officers will contact the FTU to have the weapon inspected and qualify with the weapon.

The description of weapons used under the auspices of the department, both on and off duty, shall be properly recorded by the FTU. Records shall include the type, description, model, serial number, owner or assignee's name, name(s) of approving officers and proficiency scores. Records shall be maintained at the FTU and all officers are required to conform to this procedure prior to use. All firearms involved in shootings will be subject to seizure and will not be replaced by the FTU.

Members of this department shall keep their firearms in good serviceable condition. It shall be kept clean, free from an excessive amount of oil or rust preventative and always ready for inspection. No abrasive materials, such as an ink eraser, crocus cloth, sandpaper, emery cloth or steel wool or any other material, which will scratch the metal, should be used in its maintenance, except during authorized repair by the FTU Gunsmith.

Officers will check their personal weapons prior to beginning duty. If at any time a weapon is found to be malfunctioning or otherwise unsafe, the officer has the responsibility to immediately remove the weapon from service and to notify their supervisor so that the weapon may be replaced until repairs can be made. Supervisors shall order any unsafe or malfunctioning weapon to be immediately removed from service. Any equipment that is found to be unsafe or malfunctioning will not be returned to service until inspected by a certified FTU weapons instructor or, in the case of a firearm, the FTU Gunsmith with the approval of the Firearms Training Unit Supervisor. MPD firearms and weapon repairs will only be made by the FTU Gunsmith department.

Personal off-duty firearms may be serviced by a current certified gunsmith, in which case the firearm

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must again be inspected by the FTU Gunsmith department prior to being put back in service.

Workstation equipment clerks are charged with routinely checking the shotguns and SL-6 for cleanliness and function ability. If any employee has any question regarding the reliability or safety of a weapon, it is to be removed from service and transported to the FTU Gunsmith department to be inspected. If necessary, a replacement weapon will be issued.

When a firearm is found to be inoperable or unsafe, the gunsmith will tag the weapon for repair and will provide a replacement firearm. The gunsmith will attempt to repair the firearm. If attempts to repair the firearm are unsuccessful, the firearm will be sent to the manufacturer for repair. On rare occasions, the firearm is damaged beyond repair and will be stripped of all usable parts by the gunsmith, cut up into pieces, and destroyed. Prior to the destruction, the FTU supervisor must be notified in writing of the circumstances. The weapon will be noted in the FTU Inventory Control Database as to why, what and when the firearm is being destroyed. Firearm records are not to be removed from the FTU inventory database for any reason.

## II. Service Handguns and Ammunition

The **only** authorized on and off-duty police service handguns are listed below. Any other Special Weapons must be approved by the Director of Police Services and a list of these approved weapons will be maintained by the FTU. Commissioned personnel are subject to required training and qualification in accordance with Tennessee Code Annotated 39-17-1315 Written Directive and Permit to Carry Handguns.

- A. Duty Firearms – The SiGARMS .40 caliber model 229R, 229R-DAK double action only, stainless steel with non-reflecting Blue/Black finish are the only approved handguns for all police commissioned personnel. Both handguns are authorized for on and off-duty carry and for all uniform and plain clothes (Investigative Services) assignments.
- B. Alternate Duty Firearms – The SiGARMS .40 caliber model P239, double action only, stainless steel with non-reflecting Blue/Black finish, Smith & Wesson 9mm Model 3953, and the Smith & Wesson .40 caliber model 4053 stainless/alloy are the only approved alternate handguns for all police commissioned personnel. These firearms are authorized for on and off-duty carry for all officers NOT working in a uniform capacity, and for all; Majors and above regardless of their duty assignment.
- C. Off-Duty Firearms - The only off-duty handguns authorized by this department will be the Duty Firearms, SiGARMS .40 caliber model P229/229R, 229R-DAK (double action only), the .40 caliber Smith & Wesson model 4043, 4043 TSW, the Smith & Wesson 9MM model 3953, the Smith & Wesson 9MM model 5946, and authorized secondary duty firearms.

Officers must have the off-duty firearm inspected by the FTU Gunsmith department and qualify with the off-duty firearm annually.

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**D. Secondary Duty Firearms**

1. The following handguns are authorized for Secondary Duty Firearms:
  - a) Smith and Wesson five (5) shot Model handguns:
    - 36LS                      • 642LS                      • 42                      • 342
    - 442                      • 36                      • 49                      • 640
    - 637                      • 37                      • 50
    - 638                      • 38                      • 60
    - 642                      • 40                      • 60LS
  - b) Ruger, Model LC9 in 9mm caliber, DAO (no external safeties), Law Enforcement Model #03222 with a laser and Model #03216 without the laser. Ruger LC9s(striker fired) Model #3248 without laser.
  - c) Sig Sauer, Model P290 in 9mm caliber, DAO.
2. Secondary Duty Firearm Specifications:
  - Caliber - Must be .38 Special +P or 9mm (no. 357 magnum)
  - Barrel Length - Must not exceed 2 inches in length (revolvers only).
  - Sights- Must be fixed.
  - Ammunition - Only approved by the Firearms Training Unit.
  - Revolver - Must be double action only (not capable of single action), with a bobbed, shrouded or fully enclosed hammer; must be rated for +P ammunition.
  - Authorized Speed loaders/Speed Strips - Only Safariland or HKS speed loaders and Bianchi or Tuff Products speed strips are authorized for secondary duty firearm use and when carried must be kept loaded with 5 rounds of approved service ammunition.
3. The only authorized on-duty carry locations are as follows:
  - Ankle Holster with mechanical, friction, or pressure retention device
  - Vest Holster with mechanical, friction, or pressure retention device
  - Pocket Holster
4. Training and qualification:
  - Officers must attend an eight (8) hour training session and pass the Secondary Firearms qualification course as determined by the Firearms Training Unit
  - The minimum passing Secondary Firearms qualification score is 80%.

**E. Special Weapons** - The department may issue or make available “special weapons” (e.g., submachine guns, counter sniper rifles, gas guns, less-lethal impact munitions and other weapons, etc.) to authorized employees who have successfully completed specialized training and qualification in the operation and use of these weapons. (e.g. Tact, OCU, etc.)

All special weapons must be approved by the Director of Police Services. A list of these approved weapons, munitions and ammunitions will be maintained by the FTU, and updated

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as deemed necessary.

- F.** Ammunition - The only ammunition that will be authorized for the Duty Firearms, Alternate Duty Firearms, Secondary Duty Firearms or the Off-Duty Firearms will be FTU issued ammunition. The FTU will maintain a list of authorized ammunition. Ammunition for qualification will be furnished by the FTU for an officer's Duty Firearms, Alternate Duty Firearms, Off-Duty Firearms, Secondary Firearms and Less Lethal Weapons.

Uniform Patrol officers carrying the SiGARMS .40 caliber model 229R-DAO shall carry the FTU approved ammunition and magazines at a minimum of 37 rounds. These rounds are to be carried on their uniform belt and within the weapon. Each magazine will be loaded with 12 rounds (36 rounds) and one round chambered in their SiGARMS weapon for a minimum of 37 rounds. Officers are authorized to carry additional Sig manufactured 12 round magazines with the approved FTU ammunition at their own expense.

Officers carrying other approved weapons will carry the weapon fully loaded at maximum capacity and will carry all magazines at maximum capacity.

No member shall, while in the performance of police duties or acting under the auspices of the department, use or possess any cartridge, which differs from the approved departmental issued ammunition, nor shall he/she alter, polish, tamper or otherwise change the ballistic properties of such ammunition. Ammunition will be replaced periodically by the FTU and a supply shall be available for purchase from FTU personnel. All ammunition purchased from the FTU will be shot on site, unless approved by the FTU Supervisor. Ammunition purchased from the FTU will not be resold.

The mechanical functions of any authorized weapon will not be altered, nor any emblems displayed except those normally placed on the weapon by the manufacturer. Any accessories, prior to being placed on any weapon, must be approved by the FTU Gunsmith (only). (Optional grips are acceptable after inspection and/or modification and approval by the FTU Gunsmith (only).

All members of the department who are commissioned shall be required to attain a minimum score yearly with any primary duty handgun carried. All members, as determined by the Command Staff, shall be required to qualify yearly with the shotgun, if this weapon is required to accomplish their duty assignment. The minimum score for weapons will be 80%. All proficiency training must be monitored by a FTU certified firearms instructor.

When an accidental discharge of a weapon occurs, the weapon shall be forwarded to the FTU Gunsmith for inspection. The gunsmith shall inspect the weapon for malfunctions and make a report by memorandum to the Commander of Training who shall notify the Director of Police Services. Officers shall be issued a replacement weapon during the inspection period if circumstances warrant.

### **III. Shotguns**

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- A. The regulation shotgun for the Memphis Police Department is the Remington Model 870, .12 gauge, pump action, riot shotgun. This weapon is owned and issued by the department. No other shotgun may be used, except those designated for Special Units by the Director of Police Services and the FTU Supervisor.
- B. Every authorized officer is required to be proficient with the shotgun in regards to its use, care, loading and unloading, visual and operational inspection as taught by the FTU. Daily visual and operational checks will be made by officers who use these weapons prior to going on duty. Weekly inspections will be made by supervisors to ensure proper cleaning and functioning. Periodically, guns will be called in to the FTU for inspection and detailed cleaning. Any deficiencies must be reported to the FTU. All officers when entering the FTU facility with the duty shotgun or any other shoulder firearm is to have the action open, safety on, weapon unloaded and safety flag inserted. Also, the firearm is to be carried with the muzzle in a safe upward position or if the shotgun has a sling it is to be slung with the muzzle down. Officers are to be responsible for the security of any firearms brought into the FTU facility. At the completion of training, sidearms are to be reloaded on the firing line or in the clearing barrels. Duty shotguns should be reloaded after exiting the FTU facility.

#### IV. 12 Gauge Rifled Slug:

##### A. Definitions:

1. **Soft Body Armor** – small, light weight, concealable vest made of ballistic panels, trauma plate and designed to protect police officers from death or serious injury during handgun, shotgun pellet, club, and other blunt trauma assaults.
2. **Hard Cover** – any material that provides protection from small arms ammunition.
3. **Extended Range** – Distances from 25 to 50 yards.
4. **Rifled Slug** – A single lead pellet of approximately .72 caliber.
5. **Maximum Effective Range 12 Gauge Rifled Slug** – the maximum effective range is 75 yards.
6. **Maximum Effective Range 12 Gauge .00 buck Shot** – the maximum effective range of the 12 gauge .00 buck shot is 40 yards.
7. **Qualified Officers** – Those Memphis Police Officers who have **successfully** completed slug training and have fired a minimum passing score of **80%** on the slug qualification course.

##### B. **Only qualified officers are authorized to use 12 gauge-rifled slugs in the following circumstances where Deadly Force is authorized:**

1. On lawful order by a supervisor or commanding officer, or

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2. The officer faces immediate danger, and determines that the duty weapon and 12 gauge .00 buck shot is insufficient to neutralize the threat, or
3. The officer determines the suspect is wearing protective body armor or protected by hard cover, or
4. The officer determines that a slug will provide a more accurate shot out to a maximum distance of 75 yards.

**C. Carrying of Slugs** - Officers will carry slugs on the shotgun stock or duty gun belt in a shotgun shell carrier approved by the FTU. **Slugs will never be carried in the shotgun until the use of the slug is authorized.**

**D. Weapon and Qualification** - Rifled slugs will only be fired in a Remington 12-gauge 870 pump action shotgun with ramp bead front sight or other authorized shot guns. Qualified officers will have priority in the issuance of these shotguns during the tour of duty. **Officers will qualify annually and score a minimum of 80%**

#### V. Carrying Firearms in Medical Facilities and Courts

In any psychiatric facility, the possession of a firearm presents a serious hazard. Officers will follow the guidelines for the carrying, displaying, or securing of their firearms, which are set by each institution involved. Federal government hospitals, installations, and courts each have their own guidelines on carrying weapons as well as some state and county installations, e.g. prisons. Officers will comply with these restrictions.

The judges in the Criminal Courts and Circuit Courts, 30th Judicial Circuit at Memphis, have issued orders allowing law enforcement officers who are required to appear in court as a witness, and are legally authorized to carry a firearm, to wear side arms in the courtroom while court is in session.

Officers who are merely spectators at a court proceeding in Criminal Court and Circuit Court should check in their service weapon in the Property and Evidence Room prior to entering the courtroom. Their weapon must be unloaded and the shells kept in their pocket prior to checking it in the Property Room. A logbook has been set up for the officer to check in his weapon by giving his name, time in, serial number of his service weapon and time out. The officer's weapon will be placed in an individual locker until the officer finishes court at which time he will return to the Property & Evidence Room to sign out and pick up his service weapon.

#### VI. Firearms Safety, Safekeeping, and Proficiency Qualifications Standards for all Commissioned Officers

**A. Officer's Responsibility for Safety of Firearms, Ammunition, and Handcuffs:**

1. Officers are responsible for keeping both on duty and off duty firearms, ammunition, and all issued equipment under safe and protected conditions, especially preventing their use, theft, tampering, or damage by others. This responsibility extends when the

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firearm is carried on the person, or stored in any place. This responsibility extends to officers when in both on duty and off duty status. Officers should take all necessary steps to prevent the loss or theft of firearms.

#### 2. Guidelines for safe and proper storage of firearms:

- Vehicles - Placing or locking a weapon in a glove compartment or trunk should not be considered safe in itself. However, a secured device such as a gun safe, which is fixed and attached to the vehicle, would be a safe measure.
- On duty: Loaded or unloaded firearms shall be kept in a locked case, safe, rack, or other secure device when not worn by officers. **Portable** locked cases alone and desk drawers are not secure locations for firearm storage.
- Home: All Firearms and ammunition shall be maintained in a secure location in the home, and
  - Secured by a device or mechanism (such as a cable lock), other than the firearm safety mechanism, designed to render a firearm temporarily inoperable; or
  - Placed in a securely locked safe or container.

#### 3. No lost or stolen firearm will be replaced without a written memo and an equipment replacement form from the officer to the Deputy Chief explaining the basis for the request. The FTU must also be given a copy of the police report, including the NCIC number, for the firearm.

#### B. In-Service Firearms and Additional Firearm Proficiency Standards:

All authorized officers (regular and reserve) shall be required to attain a minimum score of 80 % yearly with both the on duty, off duty handgun, and the department issued shotgun. Officers should practice as necessary to maintain their proficiency and familiarization with various weapons in their control.

Pursuant to the department's policy on proficiency with weapons and guidelines for the use of Deadly Force, all Regular and Reserve officers authorized by state law to carry firearms in the performance of their duties are required to complete a minimum of 8 hours of Firearms training, including a Deadly Force Lecture/Lab, during annual In-Service Training. All proficiency training must be monitored and documented by a certified instructor of the FTU.

The In-service qualification will be conducted annually. Training coordinators will schedule their personnel and furnish the Academy with a list of officers scheduled each week for In-Service training.

All issued firearms and equipment is subject to be inspected during annual Firearms training.

#### C. Successful completion of the Firearms Proficiency Qualifications Test includes a minimum score of 90% on the Deadly Force Use Decision Qualification Tests and a score of 80% or better on the following courses:

- Service Handgun
- Dim Light Firing

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- Flashlight
  - Shotgun
1. If an officer fails any component of the initial qualification courses, the officer will be placed on non-enforcement status until the failed components are successfully completed. Two more attempts to qualify on each failing component will be made that day of training.
  2. If an officer fails to qualify on these additional attempts of the failed component, they will remain on non-enforcement status and be scheduled for the first available (8) hours Remedial Firearms Training Session. At the end of the eight hour session, the Officer will re-attempt qualification.
  3. If an officer fails to qualify after the (8) hours Remedial Firearms Training Session, he/she will remain on non-enforcement status and be scheduled for the first available (40) hours/ (5) days of remedial firearms training.
    - a. Prior to attending the (40) hour / (5) day session, the Officer must provide proof of an eye exam by a licensed Optometrist, within the last six (6) months of the scheduled remedial session. Officers with corrected vision must also report to remedial training with their prescription eyeglasses or contacts.
    - b. The officer will attempt requalification at the end of the 40 hour remedial training session.
  4. At the completion of the (40) hour remedial session, the officers will be allowed a third and final attempt at qualification. The final qualification will be comprised of (three attempts) to pass. If successful, the officer(s) will be returned to full duty upon official notice by a Deputy Chief. If the officer fails to qualify, then the Officer will be separated from employment with the Memphis Police Department.
  5. Officers must qualify with a minimum score of (80%) with the off-duty weapon. If the officer fails to qualify with the off-duty weapon, they will make arrangements with the Firearms Training Unit to make another re-qualification attempt. The officer will not be permitted to carry the off-duty weapon until they successfully re-qualify.

#### D. Responsibility to Report and Monitor Firearms Deficiencies or Impairments of all Officers:

1. All Officers - Responsibility to Report Firearms Deficiencies:  
Any officer, who has reason to believe that such deficiency or impairment exists on his/her part, or the part of other officers, shall immediately report same to his/her respective supervisor or commanding officer.
2. Supervisor or Commanding Officer - Responsibility to Monitor:  
Any supervisor or commanding officer who has reason to believe that an officer under his command demonstrates or exhibits a physical, psychological, intellectual, or emotional impairment which is likely to result in such officer's unsafe handling or deficient use of firearms shall be required to refer said officer to the Academy for a re-

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qualification course following the current In-Service proficiency requirements.

3. Supervisor or Commanding Officer - Responsibility to Report:

- a. Supervisors and commanding officers shall also submit a report of such referrals to the Director and the Academy Commander. Additionally, the respective Commander shall place such officers in non-enforcement status until returned to full-duty status by the Director. Supervisors and Commanding Officers shall routinely monitor officers under their command to determine if the aforementioned deficiencies and/or impairments exist.
- b. All Commanding Officers who hold disciplinary hearings and award discipline of "Remedial Firearms Training" must notify the FTU of the Training Academy of the disciplinary action within three (3) working days in order to schedule the training. The hearing officer will also need to submit, to the FTU Supervisor, a copy of the charges as well as any pertinent facts that led up to the discharge of the firearm.

This information is needed to address specific training of the officer as part of his/her remedial training.

**E. Use of Departmental Firing Range Facilities:**

1. Officers' use other than In-Service:

All officers who wish to use Memphis Police Academy Range Facilities (other than for scheduled firearms qualification) shall do so only with the permission of the FTU Supervisor. Officers granted such permission shall do so only under the supervision of FTU personnel. This section applies to both indoor and outdoor facilities operated by the Memphis Police Academy.

The Firearms Training Unit offers several open range dates each year for officers to attend off-duty and practice with their duty weapons. All officers are encouraged to attend. It will be the responsibility of each officer to call the Firearms Training Unit at 901-636-1680, to verify that no other training has been scheduled for the Saturday(s) they have chosen to attend.

2. Compliance with Safety Rules:

All commissioned officers and trainees using the Firearms Training Unit facilities shall follow all safety rules and regulations of the Firearms Training Unit. All commissioned officers must bring their appropriate leather gear, safety equipment, and body armor in accordance with the policies and procedures of the Memphis Police Department.

3. Guests:

Officers shall not bring guests to any Firearms Training facility without permission from the FTU Supervisor.

4. Use of Range by Other Persons:

No other persons, except commissioned officers and trainees of this Department, shall be permitted to use Academy Range facilities without permission from the Director of

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Police Services. All persons receiving such permission must sign a “Hold Harmless form”. In addition, such use must be under the direction of FTU personnel, and only with approved ammunition and equipment. Individuals or entities desiring to use the Firearms Training facilities must also fill out a City of Memphis Facility Use Agreements and make arrangements for rental fee payments if applicable.

#### F. Safekeeping

1. Definition of safekeeping:  
The storing of city issued equipment and personal property of a commissioned law enforcement officer at the FTU.
2. The steps of safekeeping are:
  - a. Issued MPD equipment and personal property will be brought to the FTU. The equipment will be inventoried by the delivering officer and a member of the FTU. A receipt, will be given to the delivering officer, by the receiving Firearms Training Member.
  - b. The FTU staff member will check all MPD issued equipment against the data base to insure that the equipment being received is assigned to the individual officer. If there are any discrepancies, the commander of the FTU will be notified.
  - c. All safekeeping equipment will be stored in the gun vault, until such time the individual officer’s situation is resolved.
  - d. The equipment data base will reflect the safekeeping status of all the equipment that is placed in safekeeping. A hard copy will be put with the equipment and a hard copy will be placed with MPD gunsmith.
  - e. Any equipment placed in safekeeping, due to the officer being relieved of duty, must have written approval from the Deputy Chief, Deputy Director or Director before it is released back to the officer from the FTU.

#### G. There are three categories of safekeeping:

1. Military Leave: Officers that have been called up for military service. The individual officer will check their equipment in to the Firearms Training Unit with a copy of their orders. The officer may retrieve their equipment, when their military obligation has been fulfilled.
2. Sick or injured: Officers that are unable to take care of their equipment due to a long term illness or injury. Issued equipment may be put into safekeeping by any supervisor on behalf of the incapacitated officer. The officer may retrieve his equipment after the FTU Supervisor has received written confirmation from a Deputy Chief that the officer is cleared to return to duty.
3. Relieved of Duty: Any officer that is administratively suspended of law enforcement powers. Any supervisor may place relieved officer’s equipment in to safekeeping. Written notification from a Deputy Chief, Deputy Director or Director will be needed when the equipment is brought for safekeeping to the FTU. It will take written

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notification from the Deputy Chief, Deputy Director or Director to release equipment back to the assigned officer.

### VII. Police Batons

Officers will be issued a baton, purchased by the City of Memphis. The baton will become a part of the officers' duty equipment and will be carried during the officer's tour of duty. Each officer will be responsible for the care and condition of the baton and all uniform officers will be required to have it on his person on police service calls, or any time while on duty if instructed by a supervisor. Uniform officers will also be required to have the baton within their presence (e.g., police vehicle) during routine patrol, as well as other routine police functions, if the baton is a part of their normal police equipment.

Investigators will not be required to obtain the baton. However, they may obtain one at their discretion.

When in uniform, the baton will be worn in an "O" ring, metal or plastic in construction, silver, brass, chrome, or black in color that attaches to the officer's belt. These "O" rings will not be purchased by the City. However, they may be obtained from the officer's annual clothing allotment.

#### A. Specifications:

1. The wooden baton's dimensions will be 26 inches long and cylinder turned to a diameter of 1-1/4 inches, rounded on both ends, smooth sanded, and stained black. The police baton will be made from high-density, close and straight grain hickory, weighing not less than 14 or more than 18 ounces. The baton shall have a black neoprene rubber sleeve grommet slipped over the baton and positioned 6 to 8 inches from one end.
2. ASP Collapsible Baton: The ASP (Armament Systems & Procedures) collapsible baton will be issued on a regulated basis as of 11/18/03 under the following conditions:
  - The ASP will be used by only those officers who have been certified and received specific written permission from the Director of Police.
  - Before any officer can be certified to carry the ASP, they must first successfully complete an eight (8) hour ASP training course conducted by the Memphis Police Department Training Academy.
  - The only ASP approved for the Memphis Police Department is the ASP model # F2611 or F26B positive lock 26 inch, or model # F31B positive lock 31 inch (fully extended length) collapsible baton, black-chrome in color with a foam vinyl grip.
  - The ASP will be carried on the officers' belt, in the holder approved by the Memphis Police Firing Range.

#### B. Training Required:

All recruits will be trained with their police issued baton and ASP in recruit physical training classes. Officers currently in the field will receive techniques training periodically during

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in-service training classes. No unauthorized police baton is to be carried on duty by any officer, either on the person or in a vehicle. Any violation of this order will result in disciplinary action.

**C. Prior Training:**

Any previous baton training that any officer has received which may employ any type strike to the head area above the shoulder line should not be utilized. This will include any prior training received through the Memphis Police Academy, military training, or any training received by any other means.

Any prior training received in any type choke-hold, carotid type or otherwise should not be utilized. This will include any prior training received through the Memphis Police Department, military training, or by any other means.

Any prior training received in any type come-along technique which employs a baton, flashlight, or other weapon which applies any type hold to the head area above the shoulder line should not be utilized. This will include any prior training received through the Memphis Police Academy, military training or by any other means.

**D. Exceptions:**

The only exception for the use of any strike, choke-hold, or come-along applied to the head area above the shoulder line, would be if the officer was otherwise justified under the current Memphis Police Department deadly force policy.

Personal body weapons (hands, feet, fists, etc.) are excluded from these requirements **WITH THE EXCEPTION OF ANY TYPE CHOKE-HOLD.**

**E. Personal Defensive Weapons:**

No other type non-ballistic personal defensive weapons will be carried on an officer's person or in any police vehicle. These weapons will include but not be limited to: (slappers, black-jacks and sap-gloves)

Officers will be allowed but not required to carry a small folding blade knife which may be carried in the officer's pocket. If the officer chooses to carry a knife other than in his pocket it must be completely covered in a black scabbard and attached to the officer's uniform belt. Officers will not carry a knife with a blade that exceeds four inches. The Memphis Police Department views this type knife as a utility tool, e.g. to be used by officers to cut seat belts away from a victim in an accident, or to cut clothing if needed to render first-aid.

**VIII. Flashlights**

**A. Handheld Flashlights**

Officers will not carry "metal" flashlights on duty except those prescribed below. Flashlights carried by officers must be constructed entirely of a "non-metal" material (e.g., plastic). This is to include the lens and end caps, the body, etc. **Any violation of this order will result in**

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#### **disciplinary action.**

Metal flashlights may be carried if they met the following guidelines:

1. Must be powered by AA, 3v Lithium, or rechargeable batteries (no C' or D') cell batteries
2. Must be less than 10" in length, 5.25" in circumference at the widest point and must be 15 ounces or less in total weight (including batteries).

#### **B. Weapon Mounted Lights**

All authorized weapon mounted lights must meet the following requirements:

1. Have a minimum of (65) lumens output
2. Must be capable of being attached and detached with one-hand
3. Lasers are unauthorized (See subsection **VIII, C.** for exception)
4. Must have a momentary and constant 'On' switch, only

All officers must qualify yearly with the weapon mounted light. All weapon mounted lights must be approved by the FTU Supervisor or authorize designee.

Officers will be responsible for the purchase of their weapon mounted light and any accessories. A passing score on the Flashlight Qualification Course will be required with a regular approved flashlight **AND** the weapon mounted light before the weapon mounted light may be carried in the field. If the officer decides to purchase a weapon mounted light, they must report to the FTU and qualify with the light mounted on the weapon before carrying the light on duty. Weapon mounted lights **WILL NOT** be provided by the FTU. Weapons must be carried in the issued holster for Uniform Patrol. An alternate duty holster which accommodates the weapon with the light attached must be approved for use by the FTU Supervisor and the FTU gunsmith before it may be used on duty. Off-duty or plainclothes type holsters may accommodate the weapon with the light attached, but must incorporate a retention device that secures the weapon in the holster.

#### **C. Lasers**

1. **The Tact Unit may use appropriate lasers for any of their duty weapons.**
2. The approved laser for the 5-Shot Revolvers (secondary duty weapons) are the Crimson Trace Model # LG-105, LG-305, and LG-405 black in color only.
3. The approved laser for the LC9 and LC9s Semi-automatic pistol (secondary duty weapons) is the Crimson Trace Laser Guard Model # LG-412 black in color only (**Laser Max lasers are not authorized**).

### **IX. Chemical Irritant Agents**

"CHEMICAL IRRITANT AGENTS" are concentrated liquid chemical sprays or gases which cause intense burning, profuse tearing and temporary loss of vision. The effects will generally wear off in approximately 20- 45 minutes with no harmful after effects.

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### A. Devices for dispensing chemical irritant agents:

Chemical irritant agents can be dispensed by hand held canisters, grenades, or mechanical devices used to disperse the chemical irritant agents over a large area.

The most commonly used device by the Memphis Police Department is the hand held canister which is used to spray the chemical irritant agent into the eyes and facial area of a subject. Memphis Police Department officers shall carry only those hand held canisters of chemical irritant agents issued through the Firearms Training Unit. Each canister is numbered and records are kept on file by the Ordinance Section.

Only T.A.C.T. Unit personnel shall carry other chemical irritant agent dispersing devices, and then only after the officers have received training and are certified on the equipment. Any other exception to this policy must be approved by a Duty Chief.

### B. Carrying and maintenance of hand held canister and leather holder:

To ensure each officer's canister is in proper working order, the Firearms Training Unit will test and weigh each officer's canister during annual In-Service training each year. Officers shall carry the canister in the issued leather holder on the duty belt.

It is the responsibility of each officer to properly maintain his/her hand held canister and leather holder. Proper maintenance includes immediately drying off the canister and leather holder when it gets wet. If the canister is dropped into a large amount of water, it is to be taken to the Firearms Training Unit to be inspected. An officer should never leave his/her canister where it is exposed to excessive heat or cold.

Example: Leaving the canister in a vehicle during the summer or winter causes a chemical break down, rendering the spray less effective. The leather holder should be kept clean and the snap checked daily to maintain proper working condition.

Officers shall visually inspect the condition of the canister and leather holder before and after their shift. Any debris in the leather holder shall be cleared to prevent obstruction of the nozzle. Any canister which shows visible signs of leakage shall be turned in to the equipment officer for replacement.

**ALL OFFICERS WHO USE THE CHEMICAL IRRITANT AGENT ARE REQUIRED TO MAINTAIN AN EFFECTIVE LEVEL OF SPRAY BY HAVING THE CANISTER WEIGHED FOLLOWING EACH USE.**

Officers shall have their chemical irritant spray canisters weighed at the Property Room of the Criminal Justice Complex following transport of subjects who have been exposed to the spray.

Property Room personnel shall record the location, date, time, canister number, and weight on the Response to Resistance Form and sign the Response to Resistance Form accordingly. The same procedure shall be followed when subject(s) are transported to the Regional Medical Center holding area. A digital scale is available for the police supervisor assigned to the Med. The Med police supervisor shall complete the Response to Resistance Form. Only officers who use the spray and transport to the Med will have their canisters weighed at the Regional

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Medical Center. A digital scale is available at each precinct. All officers who use their spray during an incident, but did not transport, will report to the precinct equipment room where a supervisor will weigh the officers' canister and complete the information on the Response to Resistance Form.

Before any canister is weighed, the digital scales at the precinct or the Regional Medical Center will be calibrated by using any denomination of U.S. currency. The weight of the currency should be one gram exactly. If the scales are not working properly, the supervisor will contact the nearest precinct to see if that precinct's scales are working properly. If the supervisor is advised the nearest precinct's are in proper working order then the supervisor will have the officer report to that precinct. If the nearest precinct's scales are not working properly, the supervisor will check the other precincts until he/she finds a precinct which has properly working scales.

All scales which are not in proper working order will be taken to the Criminal Justice Complex Property Room by the precinct equipment person for repair or replacement. The above procedure of weighing and recording will assist officers when a false use of chemical irritant agent complaint has been filed.

When the weight of an officer's canister of chemical irritant agent weighs 40 grams or less it is the responsibility of the officer to notify his/her supervisor. The supervisor or the assigned shift equipment person shall meet the officer at the precinct equipment room where the officer shall be issued a new canister after a "Response to Resistance Form" has been completed. It is the responsibility of the supervisor to ensure that the used canister and replacement form is given to the assigned precinct equipment person. It is the responsibility of the precinct equipment person to take the canister and a copy of the replacement form to the Firearms Training Unit for a new replacement. A copy of the replacement form shall be placed in the officer's precinct personnel file by their supervisor.

**TRAINING:** All officers authorized to carry a chemical irritant agent must complete an initial four (4) hours of training, and (2) hours of retraining every (2) years, both of which shall include training on contamination and decontamination techniques as well as testing on irritant agent scenarios (similar to that of the Deadly Force scenarios).

A minimum written score of 80 percent and a minimum scenario score of 90 percent is required for initial certification and annual re-certification.

All officers assigned to the Regional Medical Center and all officers designated as Crisis Intervention Team members will receive special training with 10% Pepper-foam. Regional Medical Center officers and C.I.T. officers will be issued 10 % Pepper-foam canisters and specially designed belt carriers upon completion of training. Both the 10 % Pepper-foam canisters and special belt carriers will be returned to the Firearms Training Unit upon transfer of duty from the Regional Medical Center or removal from C.I.T. status, respectively. The use of 10% Pepper-foam will be controlled by all provisions of the Chemical Irritant Agent Policy, and due to its special design characteristics, will be the only personal chemical irritant permitted to be used in medical facilities. When the weight of an officer's canister of 10% Pepper-foam weighs 70 grams or less it is the responsibility of the officer to notify his/her

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supervisor for replacement.

Training will be conducted by members of the Firearms Training Unit who have been certified in the use of chemical weapons. Initial exposure to the chemical will be conducted under close supervision by the commander of the Firearms Training Unit. No officer will be certified to carry the hand held chemical irritant agent who has not successfully completed the required training. Records will be kept at the Memphis Police Academy identifying certified officers.

**C. Rules on chemical irritant agents - the response to resistance:**

Chemical irritant agents will continue to be used in the force continuum between verbal commands and physical confrontation. Because the use of this tool is an escalation of the force continuum, officers must exhaust all verbal means to control a subject prior to chemical irritant agent application. Although the use of the chemical irritant agent is not an actual "hands on" contact with a subject, officers must still adhere to all provisions regarding response to resistance as listed in the Memphis Police Department Policy and Procedures Manual and as governed by statute. The officer must perceive a "credible" physical threat to his/her, the subject's, or another person's safety prior to the application of a chemical irritant agent.

A "credible" physical threat to the officer, subject, or another person must include some type of overt action by the subject. No officer shall use a chemical irritant agent on a subject unless that subject is to be arrested or transported for mental evaluation and has presented a clear physical threat to the officer, himself, or another person.

Use of chemical irritant agents in compliance with these guidelines is lawful non-deadly force and is authorized to affect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force, or to restore institutional integrity in a detention facility. Example of an institutional detention facility would be the Shelby County Jail.

**Definition:** An overt act is an act that a reasonable law enforcement officer would believe indicates an intention to kill or do bodily harm to the officer or another person. An overt act also encompasses a subject who attempts to escape from custody.

**WARNING: The chemical irritant agent has the potential to be flammable.** For this reason officers shall use extreme caution when using the chemical agent around open flames, lit tobacco products, or any mechanical or electrical devices or EDW (Taser type weapon), which could ignite the agent.

Verbal persuasion (verbalizing) and a warning are required before use of chemical irritant agents if circumstances allow verbalizing and warning without risk to the safety of the officer or others.

A verbalized warning is not required when the defendant resists "soft hand" techniques, resists more substantial force, when there is a risk (demonstrated by an overt act) to the safety of the officer or others if the use of chemical irritant agents is delayed, or if the subject flees from lawful custody.

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**Definition:** "Soft hand" techniques include any touching or attempted touching by an officer, such as applying moderate pressure to turn, guide, or escort the person being arrested. Wrestling a subject, pulling a subject, and bending arms for handcuffing are higher levels of force than "soft hand" techniques.

**D. Chemical irritant agents may be used against a person who:**

1. By an overt action, refuses to submit peacefully to lawful arrest, or attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention or custody is subject to be sprayed with a chemical irritant agent if:
  - a. the subject has made an imminent physical threat by an overt action and the officer reasonably believes the use of soft hands techniques will jeopardize the safety of an officer, themselves or another person, or;
  - b. the officer has attempted "soft hands" techniques and the arrestee resists that attempt, or;
  - c. the circumstances reasonably indicate, by an overt act, that attempting "soft hands" control may lead to an escalation of force and accompanying risk of serious physical injury to the person being arrested or to any officer.
2. Is a prisoner lawfully confined in a detention or correctional facility, before or after conviction of a crime, is subject to the use of chemical irritant agents if the prisoner assaults or threatens imminent assault of any person, or by language or any conduct incites others to assault any person. This only applies when the Memphis Police Department is requested to assist the Shelby County Sheriff's Department, or another law enforcement agency, which has a detention or correctional facility within Shelby County.  
  
Example: The Criminal Justice Complex Jail, Shelby County Penal Farm and both state and federal correctional facilities located within Shelby County. No warning is needed if an imminent physical threat by an overt action exists to the safety of any person.
3. An officer can spray a dog if the animal poses a nuisance and jeopardizes an official police operation. Example: A barking dog which jeopardizes officer safety prior to serving a search warrant upon a dwelling is cause to utilize the chemical irritant agent against the animal.

**E. Chemical irritant agents CANNOT be used against a person who:**

1. Submits peacefully to arrest and complies with lawful commands during a lawful arrest, or
2. Complies with lawful commands during a valid investigative stop, traffic stop, in custody, or detention, or
3. Is expressing mere verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing discharge of duty, or
4. Is a non-threatening subject who does not pose a significant risk to officer safety, or

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5. Is an operator of any motorized vehicle, and who has control of the vehicle, such as a traffic violator behind the steering wheel, or
6. Has been taken into custody and who is handcuffed, unless the subject presents a clear and imminent physical threat by an overt action to the officer, himself/herself, or another person (Any incident where a chemical irritant agent is used after a subject has been taken into custody and handcuffed will be forwarded to Internal Affairs for review. Internal Affairs and the FTU will retain all reviewed Response to Resistance Reports on file), or
7. Has merely destroyed property. The mere destruction of property is not considered an overt act, or
8. Is inside the confines of a medical facility, or
9. Is being transported in the squad car. If a subject is violent on the scene prior to transport an additional officer, or officers, will follow the transporting officer to the Criminal Justice Complex Jail, or the Regional Medical Center, and assist the transporting officer during the transport if needed and assist him/her in getting the subject inside the facility. If the subject is calm on the scene and becomes violent while being transported then the transporting officer shall advise the dispatcher of the situation, location, and direction of travel. The officer shall continue transporting and the dispatcher will have additional officers to rendezvous with the transporting officer so the subject can be better secured.

#### **F. After using chemical irritant agents:**

1. If circumstances allow, do not attempt to forcibly handcuff a sprayed prisoner immediately after spraying. Give the prisoner a brief opportunity, about 30 to 60 seconds, to react to the spray and overcome gagging or coughing. This gives the prisoner an opportunity to overcome the temporary effects of the chemical irritant agent on the respiratory system unaffected by the physical stress of handcuffing.
2. It shall be the responsibility of the officer to take necessary steps in safeguarding the personal safety of the prisoner once they have been sprayed.  
Example: Some prisoners may panic and run blindly after being sprayed. Officers should anticipate the need to prevent injury during a panic reaction. Immediate restraint of a prisoner who panics may be necessary. Avoid placing pressure or weight on the suspects back if possible.
3. The best first aid for exposure to chemical irritant agents is fresh air and copious amounts of clean cool water to flush out the eyes. Face the subject into a breeze if possible. As stated earlier, the effects will wear off in 20-30 minutes and the prisoner should be made aware of this.

Generally ointments and salves should never be applied on the affected areas, but if the occasion should arise where a certain chemical irritant agent is used and the manufacturers suggested treatment calls for ointments or salves, then an officer will call for an ambulance.

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4. When an officer uses a chemical irritant agent on a subject, then he/she will immediately notify his/her supervisor. The supervisor will make the scene and upon arrival he/she will assess the situation. If further medical attention is necessary, appropriate action will be taken. When a chemical agent is used, the officer will complete the **Response to Resistance Form**. The supervisor is required to sign the **Response to Resistance Form** after the officer has checked it for accuracy. If the supervisor has reservations concerning the accuracy, the supervisor will not sign the report but will write a memo to the shift commander explaining his/her reservations.

The supervisor will attach the **Response to Resistance Form** to the memo for the shift commander's review. If the shift commander is in agreement with the supervisor concerning the accuracy he/she will follow the chain of command and forward the report and memo to precinct/bureau commander. The precinct/bureau commander will determine if the report and memo shall be forwarded to the Internal Affairs Bureau for further investigation.

Any supervisor who has reservations and does not sign the **Response to Resistance Form** shall not weigh the canister, but will have the officer report to the Criminal Justice Complex Property Room. The supervisor shall have the canister weighed by property room personnel, who will complete the weight information portion of the report.

All **Response to Resistance Form** shall be turned in to a supervisor with the officer's paperwork at the end of the shift.

5. No longer is "see arrest" ticket acceptable on the narrative of a Response to Resistance Form. The officer shall complete in detail the narrative on the back of the report and articulate the physical threat presented by the subject.
6. Guidelines for transporting prisoners as set forth in the Memphis Police Departments Policy and Procedures Manual shall be adhered to by all officers.
7. To assist in avoiding confusion on the radio when an officer has used a chemical irritant agent spray the officer shall simply advise a supervisor of its use.
8. The same guidelines as set forth in this chapter concerning the completion of the Response to Resistance Form shall apply to the spraying of dogs.

#### **G. Guidelines for monitoring a prisoner's medical condition:**

1. For all prisoners, officers must continually monitor the level of consciousness and breathing. When uninterrupted monitoring is not possible, an officer should observe and talk to the prisoner on a frequent basis during custody. Prisoners should not be left alone in a car or in a room for any period of time. Do not assume a silent prisoner is asleep or harmlessly intoxicated.
2. The following prisoners are in a "**special attention**" category for medical emergencies:
  - a. Prisoners who run from officers, or violently resist restraint, or try to assault officers.

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- b. Prisoners whom the officer believes to be impaired by alcohol or drugs.
- c. Prisoners who are breathing very rapidly, or sweating heavily, or exhibiting pallid skin color.
- d. Prisoners engaging in deranged and irrational conduct or speech.
- e. Very obese prisoners, or prisoners with a known medical condition (e.g., diabetes, a seizure disorder, asthma, or heart trouble) or prisoners who are of advanced age.

For "**special attention**" prisoners, an officer should monitor a prisoner's breathing and consciousness on an uninterrupted basis, unless a law enforcement emergency prevents it. If feasible, try to monitor a "special attention" prisoner at all times during and after arrest until the prisoner is released from custody or turned over to another agency. If back-up officers are available, use two officers to transport "special attention" prisoners, whenever possible. Officers should check for a Medic Alert bracelet, necklace, prescription bottles, and medical cards or papers in subject's wallet or purse on "special attention" prisoners.

"**Special attention**" prisoners should be asked if they are suffering from any serious medical condition. If a "special attention" prisoner advises he has a serious medical condition then it shall be the responsibility of the officer to call for an ambulance. This will allow a paramedic to check the medical condition of the "special attention" prisoner. The paramedic will make a determination if the subject will need to be transported to The Med for additional medical attention or if the subject can be transported to the Criminal Justice Complex.

- 3. It shall be the responsibility of the arresting officer to call for an ambulance if he/she observes any prisoner, "**special attention**" or otherwise, who displays or indicates life threatening symptoms by:
  - a. loss of consciousness, or
  - b. stops breathing, or
  - c. suddenly becomes incoherent, or
  - d. begins to hyperventilate.

**NOTE:** If any prisoner starts to show any of the above medical conditions then the handcuffs should be placed in front of the prisoner, unless officer safety considerations make that too dangerous.

### X. Conducted Electrical Weapon (CEW)

Consistent with the Department's policy of using the minimum amount of force necessary to control violent situations/events; selected personnel who are certified Crisis Intervention Team (CIT) Officers trained and certified by the Firearms Training Unit to deploy a Conducted Electrical Weapon (CEW) are authorized to carry and deploy a Conducted Electrical Weapon (CEW). **Officers must be aware that tasing a person multiple times may increase the**

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**likelihood of the risk of death or serious bodily injury to the person. Officers must be able to articulate the amount of force used when tasing a person multiple times and be aware that tased persons may not be able to respond immediately to officers commands.**

**A. Definitions**

1. Less Lethal Force - Force applied with the intention to subdue or render a subject non-threatening, with a lower probability of producing fatal results.
2. Conducted Electrical Weapon (CEW) - The electronic control device is a less lethal, hand held device that discharges an electronic current to override a subject's central nervous system causing temporary incapacitation (probe mode) or discomfort (stun mode).
3. Authorized Users - **Only active CIT officers** properly trained in the use of CEWs by the Firearms Training Unit are authorized to carry and use an approved and departmentally issued CEW device within the established departmental guidelines.
4. CEW Cartridge - Sealed unit that contains the CEW probes.
5. CEW Operational Modes:
  - a. **Drive Stun Mode** - The CEW is placed in immediate contact with the subject's body or clothing. Stun mode creates discomfort in the immediate area around the probe contact points and due to the narrow spread of the CEW probes the stun application will likely not cause motor skill dysfunction.
  - b. Probe Deployment Mode - Two darts on wires propelled from a cartridge to contact a subject's body. The CEW sends an electrical signal to the probes via the wires, which can disrupt the subject's body's ability to communicate messages from the brain to the muscles to disrupt motor skill functions. Disruption depends upon many factors to include distance between probes, probe placement, and subject's clothing thickness.
6. CEW Operational Methods:
  - a. CEW Displayed - The CEW is withdrawn from the holster and is visible to the subject. The subject complies or the incident concludes without the actual use of the CEW under a, b, or c above.
  - b. CEW Arc Displayed - The CEW is withdrawn from the holster and the electric arcing is displayed to the subject. In response to the subject's observation of the laser arching, the subject complies or the incident concludes without the actual use of the CEW by either probe deployment or stun mode.
  - c. CEW Laser Pointed - The CEW is withdrawn from the holster and the laser targeting mechanism is activated and pointed in the direction of the subject. In response to the subject's observation of the laser pointing, the subject complies or the incident concludes without the actual use of the CEW by either probe deployment or stun mode.

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- d. CEW Deployed - The CEW is used in Drive Stun Mode or the Probe Deployment Mode is deployed and contacts the subject's body or clothing in an attempt to gain compliance.
7. The CEW may be used only against persons who:
  - a. Present a risk of harm to officers;
  - b. Are physically resisting;
  - c. Present a risk of harm to others; or
  - d. Present a risk of harm to themselves.
8. **The CEW shall not be used:**
  - a. In any punitive (relating to, involving, or intending to inflict punishment) or coercive manner;
  - b. In Drive Stun mode for pain compliance to prod or escort persons;
  - c. On a handcuffed or secured individual absent an overly combative behavior that may cause harm to the officer or others and that cannot be reasonably dealt with in any other less obtrusive manner;
  - d. Solely as a compliance technique to overcome passive resistance or on any individual who does not demonstrate an overt intention to use violence or force against the officer or another person;
  - e. To rouse unconscious, impaired or intoxicated persons (\*This does not mean that the CEW cannot be used on an intoxicated person if other factors apply);
  - f. On persons operating a moving vehicle or machinery;
  - g. On persons running or fleeing;
  - h. For any purpose of horseplay or curiosity exposure when use of the CEW is not allowed, which includes, but is not limited to, arc display or laser pointing. Only certified CEW instructors may demonstrate the ECD to the public or media.
  - i. **In any environment where the officer knows that a potentially flammable, volatile, or explosive material is present.**

#### B. CEW Equipment

1. The only CEW authorized by the Department for certified CIT Officers to carry is the yellow colored TASER X2, manufactured by TASER International, Inc.
2. Any CEW found to be malfunctioning is to be removed from service and taken to the Firearms Training Unit for replacement.
3. CEW's are to be stored in a moderate temperature, dry location. CEW's are not to be stored in vehicles or in direct sunlight. CEW's and cartridges are to be reasonably protected from water, rain, dust, dirt, mud and other contaminants. CEW's are not to be accessible to anyone other than department members.

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4. Officers assigned a CEW are responsible for maintaining the CEW's operational readiness. No changes, alterations, modifications or substitutions shall be made to the CEW or the cartridges.
5. At the beginning of their work shift each officer is to check their CEW for operational readiness by removing and visually checking the cartridges for any damages or wear to include the examination of the cartridge expiration date. Officers are to check battery strength in a safe manner by sparking the CEW **while the cartridges are removed for five (5) seconds. This test spark will be noted on each officers log sheet at the beginning of their shifts.** Batteries with 20% or one bar strength should be removed from service and returned to the Firearms Training Unit. Inadequate cartridges or batteries are to be replaced immediately by the Station equipment officer or the Firearms Training Unit.

Officers should follow the following steps to conduct the arc test:

- a. Make sure the CEW cartridges are removed before conducting the test
  - b. Keep hands and fingers away from the front of the CEW during testing
  - c. Point the CEW in a safe direction
  - d. Put the safety switch in the “up” (ARMED) position
  - e. Depress the “arc switch” and hold for five (5) seconds. **DO NOT PULL THE TRIGGER TO CONDUCT THIS TEST.**
  - f. See and hear both bays arcing from arm’s length
  - g. Listen for the typical spark pulse rate and if pulse rate is slow, replace the battery and retest. If it is still slow, take the CEW out of service.
  - h. Once the test is complete, place the safety switch in the “down” (SAFE) position and reinstall the removed CEW cartridges.
6. **Issued CEW holsters shall be worn on the support side of the officer’s duty belt in either a cross draw or support side draw position.**
  7. Under no circumstances are cartridges to be carried in any pocket to avoid the risk of static electricity causing a discharge of the cartridge.

#### C. CEW Training

1. Only Firearms Training Instructors certified as CEW Instructors are allowed to train officers to carry and deploy CEW's. The initial CEW training will consist of 8 hours of training and will follow the guidelines of TASER International, Inc. for CEW training.
2. CEW training will include instruction on all MPD policies pertaining to use of force/response to resistance.
3. All officers authorized to carry a CEW device must be re-certified annually by attending a re-certification training class at the Firearms Training Unit.

#### D. CEW Procedures

1. Memphis Police Crisis Intervention Team Officers certified to operate the TASER International, Inc. TASER X2 are the only authorized carriers/operators.

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2. When practical, CEW Operators should notify their supervisor or commanding officer that an event may require use of the CEW.
3. The Conducted Electrical Weapon (CEW) may be used to control violent or potentially dangerous individual(s) when an officer reasonably believes the following conditions or facts exist:
  - a. Attempts to control the conflict by using alternate methods have failed, and the officer's assessment of the facts and circumstances reasonably concludes that other means will be ineffective, useless, or hazardous to the officer(s) or some third party. The immediacy of action is an important element to be considered.
  - b. The officer must communicate his/her identity and purpose, unless these facts are already known or cannot reasonably be made known to the individual under the circumstances.
  - c. The officer must have a clear field of fire that would reasonable protect others.
  - d. Officers shall use only the minimum amount of force which is consistent with the accomplishment of their duties and, if possible, should attempt any reasonable means of prevention, apprehension, or defense before using the Conducted Electrical Weapon (CEW).
  - e. Upon firing the CEW the officer shall only expose the subject the minimum number of times and no longer than necessary to accomplish the legitimate compliance objective.
  - f. Any officer who is not issued a CEW who encounters a situation where it is determined that a CEW may be required will, when feasible, subtly request a CEW equipped CIT officer be dispatched to the scene. The intent is to not alert the non-compliant individual or bystanders. If at some point the CEW is no longer required prior to the CEW CIT officer arriving on the scene then the CEW request should be cancelled.
  - g. For any situation where the use of a CEW is expected, a backup officer should be requested, and if at all possible, the use of the CEW postponed until backup arrives.
4. The CEW is to be utilized under controlled situations to maximize safety of everyone involved. Because of safety precautions, **the use of the CEW is not intended for events that cannot reasonably be considered as being controlled** (e.g. **foot pursuit is NOT a controlled event**). Controlled means the individual's movement has been contained and/or restricted (stand-off). Prior to deployment each event should be assessed and meet the requirements for use. Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of physical injury.
5. For all response to resistance situations certain individuals may be more susceptible to injury. **Unless there are exigent circumstances, the use of the CEW is discouraged for the following individuals: children or elderly, persons of small stature**

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**regardless of age, possibly pregnant or pregnant individuals, individuals with a pacemaker, and individuals obviously in poor health.**

6. **Great care and consideration will be given to any environment where the individual could fall or suffer severe injury or death.** This includes but is not limited to an individual standing in water or rain, on an elevated structure, or next to structures that could cause the individual harm should they fall (e.g. steps, stairs or other harmful objects).
7. The individual should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. **In determining the need for additional exposed cycles, the officer should be aware that an exposed individual may not be able to respond to verbal commands during or immediately after CEW exposure.**
8. In any event in which an CEW has been used either in Drive Stun mode, Probe mode with probes discharged, laser sights were deployed or officer visually Arced the CEW, officers (operators) are required to notify their supervisor and complete the **Response to Resistance Form**. A supervisor will report to the scene to ensure departmental policies and procedures have been adhered to. This includes the accidental use of a CEW. Only the use of a CEW by Firearms Training Unit personnel for testing or training purposes is excluded from reporting.
9. If an individual(s) has been struck by probes or stunned and the event is under control, the CEW officer/operator and/or the supervisor should immediately request medical assistance from the Memphis Fire Department.
10. **All individuals who have been stunned using drive stun mode or struck by CEW probes are to be transported to an appropriate medical facility (Regional One Hospital) by MFD paramedics.** If probes are still embedded in the individual and an officer must ride in the ambulance with the individual to ensure chain of custody of the CEW probes, cartridge and wires. A second officer will follow the ambulance.
11. With the exception of training scenarios, the following procedures will be used any time a CEW is discharged either in drive stun mode or probe mode on an individual.
  - a. **Removal and preservation of probes**
    - 1) Probes that have penetrated an individual's skin shall be removed only by trained medical personnel at Regional One.
    - 2) CSI is to be called for photographs at the scene to include photos of the probe positions on the individual and any injuries to the individual. If the individual is transported prior to CSI arriving on the scene then the CSI officer will take scene photos and then change location to the hospital for follow up photos to include photos of the individual's injuries and probe positions if probes have already been removed. From either the scene or Regional One, CSI will take possession of the expended cartridges, probes, and wires and tag all in the property room after the probes have been removed from the individual by medical personnel.

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For probes that are located in sensitive areas of an individual, to include groin or female breasts, the modesty of the individual should be taken into consideration.

- 3) Probes and expended cartridge packs are to be handled and stored as a biohazard.

**b. Care of exposed individuals**

- 1) ALL individuals exposed to a CEW are to be transported to an appropriate medical facility, preferably Regional One. This includes any individual who has had a CEW effectively used against them during an incident either by Drive Stun mode or Probe mode.
  - 2) Any individual showing signs of excited delirium, sudden death syndrome, or is extremely agitated is to be transported **immediately** to Regional One for examination.
12. When an individual has been struck by CEW probes or drive stunned, an Emergency Commitment report **MUST** be submitted if the individual meets mental consumer prerequisites.
  13. **At the conclusion of all incidents where a CEW has been used either in Drive Stun mode or Probe mode, the officer will report to the Station and a supervisor will download the firing data from the deployed CEW unit.** The downloaded data is evidence and is to be treated and documented as such. Each Station will have a designated computer workstation with the download software available for use by a supervisor. The officer will also obtain replacement cartridges while at the Station. The data download and obtaining fresh cartridges must be done prior to the officer returning to service.
  14. Once a month a supervisor will download data from each officer's CEW as a part of the monthly inspection.
  15. **If an individual has been struck by CEW probes or stunned and is subsequently listed as critical or fatal, then the supervisor will notify the appropriate Investigative Services Bureau and perform all duties necessary to accommodate an orderly investigation.** This includes removing officer(s) from line of duty assignment pending administrative review.
  16. All reports, including the **Response to Resistance Form**, should be routed, preferably by electronic means, to the appropriate Precinct Commander, Duty Chief, Deputy Chief, Crisis Intervention Commander, and Firearms Training Unit Supervisor, for review.

**XI. Impact Delivery System (IDS)**

Selected personnel who are certified Crisis Intervention Team (CIT) or TACT Officers will be trained on Less Lethal Impact Weapons, including Extended Range Impact Weapons.

**A. DEFINITIONS**

1. Less Lethal Impact Munitions - Ammunition designed and developed to be launched as Less Lethal Force.

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2. Impact Delivery System - Sage SL-6 Multi-Role 37mm Launcher.

**B. PROCEDURES:**

1. Memphis Police Officers certified to operate the Sage SL-6 Multi-Role 37mm Launcher are the only authorized carriers/operators.
2. The Impact Delivery System (IDS) may be used to control violent and/or potentially dangerous individual(s) when an officer reasonably believes the following conditions or facts exist:
  - a. Attempts to control the conflict by using alternate methods have failed and/or immediacy of action is an important element to be considered.
  - b. The officer must communicate his/her identity and purpose, unless these facts are already known or concluded or cannot reasonably be made known to the individual under the circumstances.
  - c. The officer must have a clear field of fire that would reasonable be expected to protect bystanders / others.
  - d. Officers shall use only the minimum amount of force which is consistent with the accomplishment of their duties and, if possible, should attempt any reasonable means of prevention, apprehension, or defense before using the Impact Delivery System (IDS).
3. The IDS is to be utilized under controlled situations to maximize safety of everyone involved. Controlled in this definition means the individual's movement has been contained or restricted (i.e. stand-off).

Example: When a person is violent and poses a direct threat to themselves or others, and is armed with an implement which may be used to inflict life threatening bodily harm.
4. Because of safety precautions, the use of the IDS is not intended for events that cannot reasonably be considered as being contained (i.e. foot pursuit). If practical, prior to deployment each event should be assessed and meet the requirements for use.
5. If practical, IDS Operators should notify their supervisor or commanding officer that an event is volatile and may require use of the IDS.
6. In any event in which IDS Ammunition has been discharged and/or attempted to be discharged, officers (operator) are required to notify their supervisor and complete the **Response to Resistance Form**. A supervisor will report to the scene to ensure departmental policies and procedures have been adhered to.
7. In any event in which the IDS weapon is deployed, the operator is required to complete the Response to Resistance Form.

Example: If an operator has loaded, brought to bear and given tactical/verbal commands, the Response to Resistance Form will be completed. If the operator has loaded, prepared to bear the weapon, but the subject gives up without verbal/tactical commands, **the Response to Resistance Form need NOT be completed.**

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8. If an individual(s) has been struck by IDS Ammunition and the event is under control, the IDS operator and/or the supervisor should call for Paramedics.
9. All individuals who have been struck by IDS Ammunition are to be transported to an appropriate medical facility. When the Paramedics make the scene, the decision as to which agency will transport will depend on their medical assessment.
10. If an individual(s) has been struck by IDS Ammunition, CSI will be called to take evidentiary photos of any suspect injuries and expended IDS ammunition and ammunition case will be tagged in the property room.
11. If an individual has been struck by IDS Ammunition and is subsequently listed critical or fatal, then the supervisor will notify the appropriate Investigative Services Bureau and perform all duties necessary to accommodate an orderly investigation.
12. All reports, including the **Response to Resistance Form**, should be routed to the appropriate Precinct Commander, Duty Chief, Deputy Chief and Firearms Training Unit Supervisor.

## XII. Patrol Rifle Program

The Patrol Rifle Program is designed to train the Patrol Rifle Officer Candidate (PROC) and provide the Uniform Patrol Division/Special Operations Division with additional tools to enhance officer and public safety. The Patrol Rifle Program is **NOT** an organized unit. The Patrol Rifle Officer's (PRO) are assigned to enforcement divisions only and shall report to their supervisors for their normal tour of duty.

### A. Definitions

1. Patrol Rifle (PR) - The Memphis Police Department's Patrol Rifle shall be an AR-15 A3/Bushmaster XM15 E2S A2 semi-automatic carbine 16.1 inch barrel length
2. PRP: Patrol Rifle Program
3. PRO: Patrol Rifle Officer
4. PRI: Patrol Rifle Instructor
5. PROC: Patrol Rifle Officer Candidate
6. PRPC: Patrol Rifle Program Coordinator
  - a. Is the FTU Commander or his designee
  - b. Coordinates selection process for PRO
  - c. Coordinates all PRO and PROC training

A PRO may be assigned to any unit with approval by the Director of Police Services.

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**B. Modifications**

Modifications to the patrol rifle are not authorized unless specifically approved in writing by the FTU Commander, Departmental Gunsmith, and the Patrol Rifle Instructors (PRI).

**C. Qualifications**

1. The PROC must have and maintain have a score of 94% or better on the Memphis Police Department's In-Service Training On-Duty course (P.O.S.T. course) using their department issued semi-automatic pistol.
2. The PROC must be assigned to a work station in which the Patrol Rifle is authorized by the Director of Police Services.
3. The PROC must be able to work independently and with minimal supervision and maintain a calm and professional demeanor during stressful situations.
4. The PROC must exhibit the ability to communicate with the public, remit effective testimony in court, and have proficient report writing skills.
5. The PROC must be assigned to the Uniform Patrol or Special Operations / OCU Division; any exceptions must be approved by the Director of Police Services.
6. The PROC must have three years of patrol duty experience and be certified to ride a one man car.
7. The PROC assigned to the Special Operations Unit must have three years of enforcement experience.
8. Each PROC that meets the above criteria shall successfully participate in the following process:
  - a. Attend a (24) hour Patrol Rifle School.
  - b. Maintain 94% or better on the AR-15 day and night firearms course, designated by the PRI.
  - c. Score 80% or better on a written test.
  - d. Be able to demonstrate field stripping and comprehend nomenclature of the AR-15.
  - e. The PROC shall re-qualify annually with a 94% or better with the AR-15.
9. The PROC must have a recommendation letter from his/her Commanding Officer (Colonel).

**D. Reporting**

The PRO shall zero (sight) and record their Patrol Rifle zero, at least twice but not more than four, times a year. One of these will be scheduled during Annual Patrol Rifle Re-Certification training. It is recommended that the individual PRO report to the range on his/her own to perform/record the additional patrol rifle zeros. Failure to comply could result in decertification, see IX. Section C of this order.

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### E. Deployment

1. Only members certified as Patrol Rifle Officers shall be authorized to handle, deploy, or discharge Departmental Patrol Rifles.
2. Discharge of the Patrol Rifle shall only be affected in situations where an equal or greater force is necessary.
3. The following situations are some examples of authorized Patrol Rifle deployment: conditions described in Part VI, B of this order exist AND,
  - a. The subject is known to possess or is suspected of possessing a deadly weapon or firearm, or
  - b. The subject is beyond the effective range of Departmental pistols or shotguns (25 yards or greater), or
  - c. The subject is known to wear or is suspected of wearing body armor.
4. When a PRO deploys the Patrol Rifle, he/she shall, as soon as practical, advise a supervisor or a commanding officer. Upon deployment, if applicable and practical, the PRO shall advise the Communications Division of the following:
  - a. Safest route for responding officers to approach the scene.
  - b. Location of the PRO and the location of the suspect.
  - c. Crossfire considerations
5. PROs shall not deploy the Patrol Rifle in situations where an Entry Team should be used, except when immediate action is necessary, any exceptions must be approved by the Director of Police Services, or his designee.
6. The Patrol Rifle should not be used as an entry weapon. Field supervisors shall not make up an "entry team" of PROs.
7. It is the responsibility of the PRO to advise any field supervisor or commanding officer contemplating inappropriate deployment of the Patrol Rifle.
8. Patrol Rifles shall not be used to shoot a wounded or dangerous animal without approval from a commanding officer, unless a dangerous animal situation develops after the proper deployment of the Patrol Rifle.
9. Except for actual duty deployment consistent with the provisions of this order, Patrol Rifles shall only be discharged at an authorized firearms range under the direction of a Memphis Police Department's PRI.
10. In all cases, discharge of the Patrol Rifle shall be in accordance with the Memphis Police Department's Deadly Force Policy.
11. Only in a life threatening situation or where there is eminent danger present will the deployment of the Patrol Rifle be acceptable without prior authorization from the PRO's Supervisor or Commanding Officer.

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12. Duty Station / Bureau Commanding Officer will be responsible for notifying the Communication Division of which Units have PROs.

#### **F. Responsibilities of the Firearms Training Unit (FTU)**

1. The FTU is responsible for issuing the Patrol Rifle to activated PROs. The FTU will also be responsible for the recovery and storage of the Patrol Rifle from deactivated PROs. The FTU will work closely with the PRO's Commanding officer to accomplish this task.
2. Maintenance of the Patrol Rifle beyond operator level maintenance and cleaning shall be performed by the FTU or designee by PRI.
3. The FTU is responsible for supplying and maintaining replacement parts for the Patrol Rifle.

#### **G. Patrol Rifle Officer Assignment**

1. During the PRO's assigned shift, the Patrol Rifle will be secured in the rifle rack mounted inside the patrol car. If a rifle rack is not available, the rifle will be placed inside the trunk in a hard or soft rifle case. The Patrol Rifle will also be in Cruiser Ready condition (Bolt forward on an empty chamber, loaded magazine in the Patrol Rifle, and mechanical safety on).
2. At the end of each shift, the PRO will properly clear the Patrol Rifle by removing the magazine from the Patrol Rifle, clear and inspect the chamber of any ammunition, insert the safety flag into the cleared chamber with the bolt forward, and ensure that the mechanical safety is in the on position.
3. Once the weapon is cleared the PRO will properly secure the Patrol Rifle in the Universal Weapons Rack of their assigned duty station.
4. If the PRO does not have access to the Equipment Room, then the Equipment Officer will properly secure the cleared Patrol Rifle in the Universal Weapons Rack.
5. The Patrol Rifle officer shall not draw, receive, or acquire special consideration in the division based on his/her PRO status.

#### **H. Decertification Of Patrol Rifle Officers**

1. Decertification shall occur automatically when a member is promoted to a rank other than Patrolman Officer or when he/she is permanently assigned to a position other than a field position in the Uniform Patrol/ Special Operations Division/ OCU unless approved by the FTU Commander or the Director of Police Services.
2. A PRO may voluntarily resign from the program by submitting a memorandum through channels to their Duty Station / Special Operations Division Commander/ OCU. The Precinct/Special Operations Division Commander/OCU shall notify FTU personnel of any PRO resignation.

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3. The PRPC, or designee, and Duty Station/ Special Operations Division / OCU Commander may decertify a PRO for any of the following reasons:
  - a. Substandard performance
  - b. Failure to successfully complete required training
  - c. Failure to attend program training sessions
  - d. Failure to maintain 94% or better on the In-service On-Duty qualification course.
  - e. Any documented willful and deliberate mistreatment, neglect or improper use of the Patrol Rifle
  - f. Failure to satisfactorily complete a shooting proficiency evaluation and subsequent remediation.
  - g. Exhibiting a pattern of unsafe tactics during actual Patrol Rifle deployments.
  - h. Failure to comply with the provisions of this order or as designated by the Director of Police Service.
4. Duty Station/ Special Operations Division Commanders/OCU shall submit a memorandum through channels to the shift supervisor documenting occurrence(s) of any circumstances outlined in IX. Part C of this order, as well as submit a memo to the PRPC. The PRPC and the Duty Station/ Special Operations Division / OCU Commander shall determine if remedial training would rectify the problem(s) or if the PRO should be removed from the program immediately.
5. If it is determined the PRO should be removed from the program immediately, the Duty Station/ Special Operations Division/ OCU Commander shall forward a memorandum to the Director and to the FTU Supervisor detailing the circumstances, and recommending the decertification and removal of the PRO from the program.