

<b>XXXX POLICE DEPARTMENT</b>	
<b>Policy 7.22 Open Carry Response</b>	
<b>Effective Date</b>	<b>Replaces:</b>
<b>Approved:</b> _____	
<b>Chief of Police</b>	
<b>Reference:</b> 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

[The right for appropriately licensed individuals to openly carry firearms in the State of Texas is a departure from concealed handgun permits. This change in Texas law has prompted intense debates on this subject and the Texas Attorney General has already issued a number of opinions on the new law. This sample policy is intended to provide some guidance for first responders and communications personnel, however, the TPCAF strongly encourages training for your personnel so that everyone will understand appropriate protocols and functions. It is important to remember that other law enforcement professions (like Texas Parks and Wildlife personnel) are consistently interacting with individuals who are armed. Awareness and understanding of the law, combined with training and a consistent response, will help make these armed encounters safe.]

## I. POLICY

This department values the rights given to all persons by local, state, and federal laws. An individual's right to legally openly carry a firearm goes into effect January 1, 2016.

Officers of this department will not use the fact that someone is openly carrying a weapon as the sole justification to take police action(s).

It is the policy of this department that all personnel will be aware of legislative changes and that training will be followed.

## II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for interacting with individuals who are openly carrying firearms.

### **III. DEFINITIONS**

- A. Open Carry: An individual who carries a firearm in open view – hip holster or a shoulder holster - in accordance with the Penal Code of the State of Texas.
- B. Concealed Carry: An individual who carries a firearm in accordance with the Penal Code of the State of Texas in a manner that conceals the weapon from public view.

### **IV. COMMUNICATIONS PROCEDURES**

- A. Call Takers – police personnel who are tasked with receiving 911 or other emergency communications from the public will be aware of the concerns responding officers may face when arriving on the scene of a call for service where someone is openly carrying a firearm. Calls for service that appear on the surface to be someone legally openly carrying a weapon shall be treated a suspicious person.
- B. Dispatchers – If at all possible, two officers will be dispatched to this type of call.

### **V. RESPONDING OFFICERS**

Responding officers will consider the following:

- A. Officers will be reasonable in their response to these calls for service and act in accordance with Texas State Law and training.
- B. Officers will make every reasonable effort to consider the circumstances, including, but not limited to:
  - a. Time of day
  - b. Location
  - c. Weapon type
  - d. Person's actions
  - e. Person's demeanor
  - f. Related circumstances
- C. Officers will make every reasonable effort to briefly explain the reason for the contact and request that the individual produce their open carry license.
- D. Unless additional articulable facts and/or circumstances exist that would cause a reasonable officer to draw their sidearm, responding officers will not draw their service sidearm during encounters with individuals who are openly carrying weapons.
- E. Officers will determine if the person has a valid open carry license and either professionally conclude the contact or take other appropriate enforcement action.

- F. Individuals who cannot produce their open carry license and do not show a valid or current open carry license in the DPS Database will be considered to be unlawfully carrying a weapon and appropriate enforcement action will be taken.
- G. Officers who determine that an individual who is potentially carrying a weapon illegally shall consider the following:
  - a. The tactical advantage to know when to detain, arrest, and disarm
  - b. Distance and cover versus concealment
  - c. Clear and direct commands
  - d. Backdrop
  - e. Secure the subject first
  - f. Secure the weapon second
  - g. Command subject to prone position if practical
  - h. Ask the individual if they are carrying any additional weapons
  - i. Conduct a thorough pat down and search

## **VI. OFF DUTY CONSIDERATIONS**

- A. Officers of this agency who also have an open carry license are required to prominently display their badge and official police identification when openly carrying their weapon while off duty.
- B. Officers choosing to carry their weapon in a concealed manner while off duty are not required to prominently display their badge and official police identification; however, officers are required to have both their badge and ID on their person.

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#### **Notification to CEO – Delete before Issuing**

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