**Sample Securing Dangerous Weapons Policy**

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**NOTES to fire service leaders considering using this sample policy:**

Ideally, fire department personnel should not handle or accept custody of a patient's weapon. It is not possible to foresee every situation, and some medical situations are critical and require the provision of care and/or transport before law enforcement arrives, so fire department personnel should have guidelines to follow.

This is a template. Adjust the provisions of the policy to meet local needs but do not adjust any portion of the policy that would result in a violation of state or federal law.

Before adopting a policy on securing dangerous weapons consult with local law enforcement leaders on the contents of the policy to confirm that the fire department policy dovetails with any law enforcement policies.

PURPOSE

The purpose of this guideline is to present <ANYTOWN> Fire Department personnel with a plan in managing situations involving dangerous weapons found while working with EMS patients.

SCOPE

This guideline applies to all <ANYTOWN> Fire Department personnel.

BACKGROUND

Tennessee has a handgun carry permit law that allows properly permitted individuals to carry firearms, and as of June 10, 2015, over 504,384 Tennesseans held handgun carry permits. Tennessee has a formal reciprocity agreement with 21 states, so the number of people residing in, visiting, and traveling through Tennessee with handgun carry permits is significant. This means that fire department personnel may likely encounter an armed handgun carry permit holder in a medical emergency, and this policy provides guidelines for fire department personnel to follow to establish and maintain scene safety and safety during treatment and transport.

DEFINITIONS

Dangerous Weapon: For the purpose of this policy, dangerous weapon means any dangerous instrument or substance that is capable of inflicting any injury on any person. This includes, but is not limited to, any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electroshock weapon; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

Strong Box: A lockable container used to store temporarily any dangerous weapon until the weapon can be properly secured by the owner, designee of owner, hospital security, or law enforcement personnel.

GUIDELINES

A. Patients (with the exception of conscious and alert law enforcement officers) are prohibited from carrying any dangerous weapons while being treated by fire department personnel and transported in ambulances where Fire Department are assisting in providing medical care.

1. For a conscious patient with a known or suspected dangerous weapon, the lieutenant or senior medic should notify patient that dangerous weapons cannot be carried while in department vehicles.

2. If the patient is in a residence, request the patient to remove the holster, sheath, case, etc. with weapon stored. The weapon should be secured by the patient in his/her own residence, transferred to a family member, or placed by the patient into the strong box and secured.

3. If the patient is in a vehicle or in a public place, request the patient to remove the holster, sheath, case, etc. with weapon stored. Law enforcement personnel, if present, should secure the weapon. If law enforcement personnel are not present, and the patient is physically capable, have the patient transfer the weapon to a family member, or place the weapon into the strong box and secure the strong box. If the patient is not physically capable of doing this, or a family member is not present, <ANYTOWN> Fire Department personnel may transfer the weapon to a family member or place the weapon into the strong box and secure the strong box.

4. If the individual refuses, notify the individual that the fire department considers this to be a refusal for medical care and/or transport. If the individual becomes belligerent or threatening, all <ANYTOWN> Fire Department personnel shall evacuate the scene to a safe area and contact dispatch to request the emergent response of law enforcement. <ANYTOWN> Fire Department personnel may return to the scene once law enforcement personnel have secured it.

B. Unconscious or altered mental status patient with a known or suspected dangerous weapon:

1. Law enforcement on scene – the lieutenant or senior medic should notify or delegate contact with law enforcement to secure and store the weapon.

2. Law enforcement not on scene – in situations requiring emergent patient care, properly trained <ANYTOWN> Fire Department personnel may remove the holster, sheath, case, etc. with the weapon secured for placement into the strong box. Fire personnel shall not handle the weapon any more than is necessary to place the weapon in the strong box. If personnel are not appropriately trained or comfortable removing the weapon, law enforcement should be requested to respond to the scene.

C. If personnel find a dangerous weapon while transporting, the situation will be addressed based on guidelines above for conscious, unconscious, and altered mental status patients.

D. When a dangerous weapon is secured and transported in a strong box to the receiving facility with the patient, hospital staff will be notified to ensure that the weapon is retrieved by hospital security. The weapon may only be retrieved by hospital security, or law enforcement. At no time will <ANYTOWN> Fire Department personnel retrieve any weapon from the strongbox. If hospital security is not available to retrieve the weapon, the strongbox and key may be left with hospital staff, and the fire department will retrieve the strong box later.

E. If a weapon is secured in the strong box and the patient refuses transportation, the weapon may be retrieved by the patient (if the patient exhibits a normal level of consciousness), designee of the patient, or law enforcement personnel. If <ANYTOWN> Fire Department personnel feel that returning a weapon to the patient, patient family member, or the patient’s designee will or may result in harm to any individual (including the patient), request the response of law enforcement personnel and allow law enforcement personnel to retrieve and return the weapon or otherwise handle the situation.