

Carroll County Independent ■

Debate over firearms, rights and liability in Tamworth

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TAMWORTH — A few armed residents and some fire department officials are challenging a policy that they say limits town personnel's gun rights.

During the selectmen's meeting of Aug. 13, selectmen and Assistant Fire Chief Jim Bowles argued over a section of the town's personnel policy that prohibits town personnel from carrying firearms without written permission from selectmen.

Selectmen John Roberts and board Chairman Willie Farnum said the policy is needed to protect the town from liability. They said they didn't want weapons on an emergency scene, on the fire trucks, or on town property.

But Bowles disagreed. He said the policy would cause the department to unnecessarily lose good volunteers.

"Our job as selectmen is to protect the financial interest of the community," said Farnum on Aug. 13. "I will not condone firefighters and rescue personnel, unless shown direct cause and reason why they need to be armed, to be armed while serving the town of Tamworth."

Bowles said he didn't want firefighters to be dismissed or otherwise punished if they happen to be armed while responding to an emergency or while stopping by the fire station. Some volunteers carry a weapon all the time in their daily life.

"I don't see it as a problem worth losing even one good person," said Bowles at the Aug. 13 meeting.

Selectmen replied if a volunteer needs to go to the fire station, that person could simply keep the weapon in his or her car or at home.

"(If) you go up there, leave it in your vehicle and lock it up," said Roberts. "That's what I hope would happen."

Police Chief Daniel Poirier said that could be a good solution.

But Bowles replied the town's parking lot is still town property, so that solution wouldn't work.

Poirier said he was also concerned about liability created by the fire department's

Standard Operating Guidelines, which state volunteers may carry firearms with limited exceptions in accordance with applicable laws. The board of firewards approved the new SOG in early August.

Without the SOG, a firefighter would be responsible if his weapon goes off. But the SOG creates a liability burden on the town because it specifically allows firefighters to carry firearms, said Poirier.

But Poirier also said he had no problem with Bowles carrying a firearm but he would "quiver" at the

sight of some of the other volunteers with a gun.

In an interview last week, Bowles said forcing firefighters to leave their guns in their cars would not be an acceptable compromise because it would still curtail the firefighters' gun rights.

The firewards added the firearms section in its SOG in response to the town's personnel policy, which prohibits personnel from carrying weapons on town property without written permission from the selectmen. Violators of the personnel policy can be dismissed, according to the policy. Law enforcement officials are exempt.

There are about 25 volunteer firefighters and a few have said would quit before curtailing their right to carry, according to Bowles.

"They don't want to be told they have to be less safe just because they are going to a fire department meeting," said Bowles.

He stressed that he's just trying to protect firefighter's rights and not saying firefighters need to be armed to do their jobs.

Bowles said the policy is a violation of state law. His father David agrees. David Bowles is on the board of firewards.

"It's their right to carry like anyone else's," said Jim Bowles during an interview last week.

According to a letter from an organization called Pro-Gun New Hampshire, state law prohibits a municipality from regulating firearms in the manner described by the personnel policy.

The letter was from Pro-Gun New Hampshire President Elbert Bicknell. He warns that the town is "setting itself up for civil suits, if not criminal action" for enforcing a policy that he says is in violation of state RSA 159:26. Bicknell is former State Representative who was the sponsor of that law. RSA 159:26 states "all municipal ordinances and regulations not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation or other matter pertaining to firearms, firearm components, or ammunition, or firearms supplies shall be null and void."

On Aug. 27 several residents, some armed with handguns, came to a selectmen's meeting to support Bowles's position. Among them was resident Scott Finman. He asked if the selectmen were going to remove the section of the personnel policy regarding firearms. Finman was armed with a Smith & Wesson revolver.

Selectmen replied they would review it at a later date.

Finman told a reporter that he brought a gun to show that "peaceful and responsible" gun owners are not a problem.

With him was his fiancée, Shannon Ruhf, who was also armed with a handgun. The couple had seen a

video recording of the Aug. 13 meeting and became concerned that gun rights were being infringed upon by an "unlawful" policy.

Ruhf became used to carrying a firearm while living in a high crime environment in Baltimore, Md. Ruhf said she carries a gun because she likes the feeling of being able to defend herself. At least three other people at the meeting were also armed, said Finman.