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Firearms and Qualification

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all department firearms before they are acquired and utilized by any member of this department for duty-related purposes.

312.1.1 DEFINITIONS

- A. **Firearm** - A small arms weapon, as a rifle, pistol or shotgun, from which a projectile is fired by gunpowder.
- B. **Pistol** - A firearm that is designed to be fired with one or both hands without shouldering the firearm.
- C. **Rifle** - A firearm with a rifled barrel intended to be fired from the shoulder.
- D. **Patrol Rifle** - A lightweight, compact rifle or carbine, chambered in .223.
- E. **Shotgun** - A smoothbore firearm intended to be fired from the shoulder.
- F. **Duty Firearms** - Consist of department-issued and authorized privately-owned firearms.
- G. **Range Master** - Supervisor assigned to the department's Training Division, designated to manage and maintain the Spokane Police Departments firearms training, the firearms range, and the department's firearms.

312.2 AUTHORIZED FIREARMS

All firearms carried by officers will be inspected by the Range Master, except in an emergency or as directed by a supervisor. No firearm shall be carried by a member who has not qualified with that firearm. All other weapons, including but not limited to edged weapons, chemical or electronic weapons, impact weapons, or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's division commander. This exclusion does not apply to the carrying of a single pocket knife that is not otherwise prohibited by law.

312.2.1 DUTY FIREARMS

Department-issued firearms include:

- A. Glock pistols in calibers 9mm, .40 S&W and .45 ACP.
- B. Colt, Bravo Company, Smith and Wesson rifles in caliber .223/ 5.56 NATO
- C. Remington and Mossberg .12 gauge shotguns.

This list does not include firearms issued to special teams, including SWAT and Dignitary Protection. All commissioned members may use a privately-owned handgun as their primary duty weapon as authorized by the Range Master.

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Authorized duty firearms must include the following criteria and approved by the department's Range Master.

- A semi-automatic handgun with a barrel length of no more than 5 inches, a capacity of no less than 7 rounds between the magazine and chamber, and a caliber of 9mm, .40 S&W or .45ACP.
- Grips, sights, magazines, and related items will meet factory specifications and be approved by the Range Master.
- Magazine disconnect removal or additions and any other modifications, must be approved by the Range Master.

In the event a privately-purchased duty firearm is taken from an officer during an investigation and the officer is returning to duty, the officer will carry the department-issued Glock firearm, until the return of the privately-purchased duty firearm.

312.2.2 BACKUP AND OFF-DUTY FIREARMS

On-duty officers are allowed to carry privately-owned back-up firearm(s) provided that

The firearms meet the criteria listed below and have been authorized by the Rangemaster and the Chief of Police. A back-up firearm is a weapon carried on-duty to supplement the officers' department-issued or authorized duty firearm. Off-duty officers may carry firearms and ammunition other than department-issued or authorized firearms and ammunition as allowed by law. The use of such firearms and ammunition are authorized while the off-duty officer is engaged in on-view law enforcement activities.

Authorized firearms shall be:

- A. Approved caliber of .380 or greater.
- B. Hold a minimum of five rounds of ammunition.
- C. A revolver that operates double-action or semi-automatic pistol.

An authorization form must be on file with the Range Master prior to carrying firearm(s) other than the one issued by the department. Officers are required to pass an approved SPD handgun qualification course when these firearms are initially approved and then at periodic times as part of the Firearms Training Program.

Off-duty officers are encouraged but not required to carry a department-issued or authorized firearm. When carrying their department issued or authorized firearm off-duty, officers shall have their police identification with them and are encouraged to carry their badge. Off-duty officers should not unnecessarily expose their firearms to the general public.

312.2.3 AMMUNITION

Officers shall carry only department-issued ammunition in department issued or authorized firearms while on-duty. Replacements for un-serviceable or depleted ammunition issued by the department shall be dispensed by the Range Master or designee when needed in accordance with established policy.

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312.2.4 ALCOHOL AND DRUGS

Authorized firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that result in being under the influence as defined in ART25, Section C.2 of the collective bargaining agreement. Officers shall not carry department-issued handgun/firearms to a place or event where they anticipate consuming alcohol.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Treat all firearms as if they were loaded; all guns are always loaded.
- (b) Never point the muzzle at anything you are not willing to destroy.
- (c) Keep your finger off the trigger until your sights are on target and have made the decision to shoot.
- (d) Be sure of your target and the area beyond the target.

312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all department firearms are secured in a manner that ensures the safety of others.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify semi-annually with their duty firearms on an approved firearms course.

312.4.1 NON QUALIFICATION

If any officer is unable to attend qualification for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a written notification to his/her immediate supervisor and the Range Master prior to the end of the required shooting period.

Members who fail to qualify during two successive qualification courses will be relieved from field assignment and appropriate disciplinary action may follow.

- (a) The Range Master or designee will issue a written order directing the officer to use only the firearm for practice or training.
- (b) The Range Master or designee will notify his/her chain of command of the failure and officer status change.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent firearm proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

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No range credit will be given for the following:

- (a) Unauthorized range make-up.
- (b) Failure to qualify after remedial training.

312.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe.

312.6 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (i.e., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.6.1 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals may only be euthanized after a reasonable search to locate the owner has been made.

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit and submit a written report as well. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy 310. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in Policy 310.

312.8 RANGE MASTER DUTIES

The range will be under the exclusive control of the Range Master. All members attending training will follow the directions of the Range Master or designee. The range shall remain operational and accessible to department members during hours established by the Department. The Range Master shall keep accurate records of qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Range Master shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy.

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312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally-owned weapons is at the option of the individual officer, that officer may be provided assistance on personally-owned weapons. All firearms should be inspected once a year for functionality, approved equipment/ accessories, and modifications by the Range Master or his designee.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

The Range Master and/or designees shall be the only persons authorized to repair or modify any department-issued firearms. All repairs and/or modifications of department-issued firearms not performed by the Range Master must be approved in advance by the Range Master. Any repairs or modifications to the officer's personally-owned firearm shall be done at his/her expense and must be approved by the Range Master. Any firearm authorized by the Department to be carried on or off duty, found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Department or Range Master for inspection. Any firearm determined to be in need of service or repair during an inspection by the Range Master will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is returned. All accessories will be authorized and approved by the Range Master (this may include sights, slings, stocks, rails, or other after-market additions).

312.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- A. Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- B. Officers must carry their Department identification card, which must contain a full-face picture and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- C. In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- D. An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

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- E. Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department-appointed instructor.
- F. It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- G. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- H. Officers should not surrender their firearm, but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- I. Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Retired Officer Firearms Certificate Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B; 18 USC 926C):

- A. The officer shall carry his/her Department identification whenever carrying such weapon.
- B. Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- C. The officer is not the subject of any current disciplinary action.
- D. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- E. The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally-restricted areas. Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and 18 USC 926C.

312.12 PATROL RIFLES

312.12.1 RIFLE PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Spokane Police Department may assign patrol rifles to qualified officers as an additional and more immediate tactical resource.

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312.12.2 RIFLE MAINTENANCE

- A. Primary responsibility for maintenance of patrol rifles shall fall on the Range Master who shall inspect and service each patrol rifle on a regular basis.
- B. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- C. Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label and the Range Master shall be notified.
- D. Each patrol rifle shall be subject to inspection by a supervisor or the Range Master at any time.

312.12.3 RIFLE TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed FTO training and have successfully passed the department's patrol rifle user course or other comparable Range Master approved course.

312.12.4 PATROL RIFLE OPTICAL SIGHTING SYSTEMS

Only those electronic or enhanced sighting systems that have been approved by the Range Master may be used on an issued or privately-owned patrol rifle for field deployment. The Range Master or his designee will ensure that the unit is properly mounted, zeroed and does not interfere with the operation of the rifle.

312.12.5 DEPLOYMENT OF THE PATROL RIFLE

Officers deploying their patrol rifle should consider coordinated deployment of the rifle. As part of the coordinated deployment officers should, if feasible, advise dispatch and other officers via radio that they have deployed a patrol rifle.

Officers may deploy their patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Situations where officers may deploy their patrol rifle may include, but are not limited to:

- (a) Situations where the officer anticipates an armed encounter.
- (b) When the officer is faced with any situation that may require the delivery of accurate and effective fire at extended distances.
- (c) Situations where an officer reasonably expects the need to meet or exceed the suspect's firepower.
- (d) Where an officer reasonably believes that there may be a need to deliver accurate fire on a barricaded suspect.
- (e) Where the officer reasonably believes that a suspect may be wearing body armor
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When deploying rifles, officers will comply with the requirements of Policy 300, Use of Force.

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When feasible, a supervisor will respond to an incident where a patrol rifle has been deployed.

312.12.6 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- A. The chamber is empty.
- B. The safety is on.
- C. There is a fully loaded magazine in the rifle.
- D. The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

312.12.7 RIFLE STORAGE

- A. When not in use, patrol rifles will be stored in the department armory. Personally-owned rifles may be stored in the armory or at the officer's home in accordance with Policy 312.
- B. At the end of the assigned officer's shift, the department patrol rifle will be returned and secured in the department armory.
- C. Officers assigned with take home cars may store department and personally- owned rifles (patrol and specialty team rifles) in:
 - A department armory;
 - The police vehicle if the vehicle is stored within a secure garage and the rifle is secured in a locking device or in the locked vehicle trunk; or
 - The officer's home and secured in accordance with Policy 312.

312.13 PATROL SHOTGUNS

312.13.1 SHOTGUN PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Spokane Police Department will assign patrol shotguns to qualified officers as an additional and more immediate tactical resource.

312.13.2 SHOTGUN MAINTENANCE

- A. Primary responsibility for maintenance of patrol shotguns shall fall on the Range Master who shall inspect and service each patrol rifle on a regular basis.
- B. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol shotgun.
- C. Any patrol shotgun found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label and the Range Master shall be notified.
- D. Each patrol shotgun shall be subject to inspection by a supervisor or the Range Master at any time.

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312.13.3 SHOTGUN TRAINING

Officers shall not carry or utilize the patrol shotgun unless they have successfully completed FTO training and have successfully passed the department's patrol shotgun user course or other comparable Range Master approved course.

312.13.4 DEPLOYMENT OF THE SHOTGUN

Officers deploying their shotgun should consider coordinated deployment of the shotgun. As part of the coordinated deployment officers should, if feasible, advise dispatch and other officers via radio that they have deployed a shotgun.

Officers may deploy their shotgun in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Situations where officers may deploy their shotgun may include, but are not limited to:

- (a) Situations where the officer anticipates an armed encounter.
- (b) Situations where an officer reasonably expects the need to meet or exceed the suspect's firepower.
- (c) Where an officer reasonably believes that there may be a need to deliver accurate fire on a barricaded suspect.
- (d) When authorized or requested by a supervisor.
- (e) When needed to euthanize an animal.

312.13.5 PATROL READY

Any qualified officer carrying a patrol shotgun in the field shall maintain the weapon in the "patrol ready" until deployed. A shotgun is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- A. The chamber is empty.
- B. The safety is on.
- C. The shotguns magazine is loaded and the side saddle is full.
- D. The shotgun is stored in the locked patrol vehicle's rifle rack or trunk.

312.13.6 SHOTGUN STORAGE

- A. When not in use, shotguns will be stored in the department armory. Personally- owned shotguns may be stored in the armory or at the officer's home in accordance with Policy 312.
- B. At the end of the assigned officer's shift, the department shotgun will be returned and secured in the department armory.
- C. Officers assigned with take home cars may store department and personally- owned shotguns (patrol and specialty team rifles) in:
 - A department armory;
 - The police vehicle if the vehicle is stored within a secure garage and the shotgun is secured in a locking device or in the locked vehicle trunk; or

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- The officer's home and secured in accordance with Policy 312.