

MONTREAT POLICE DEPARTMENT	GENERAL ORDER:
SUBJECT: FIREARMS	EFFECTIVE: August 8, 2013
CHIEF OF POLICE: JACK STAGGS	REVISED DATE:

I. Purpose

To establish guidelines for the training in and qualification of firearms used by Montreat Police Officers in their law enforcement duties.

II. Policy

Officers of the Montreat Police Department have endowed upon them a great responsibility to maintain peace and public order. At times the use of firearms may be needed to protect that peace and public order and the lives of those involved. The intent of this policy is to give officers a guide and govern the use and training of firearms while on and off duty complying fully with the State of North Carolina and demonstrating proficiency with the use of all weapons carried.

III. Definitions

Firearm: A handgun, shotgun or rifle which propels a projectile at an intended target by means of a controlled explosion.

Duty Weapon: A handgun, shotgun or rifle issued or authorized by MPD for use while employed by MPD in an active or reserve status that is in compliance with Criminal Justice Training and Standards regulations

Back Up Weapon: A handgun, usually a smaller size that can be easily carried in addition to the duty weapon and meets Criminal Justice Training and Standards regulations.

Off-Duty Weapon: A handgun that is intended to be carried while off-duty. The handgun must meet the same standards as a back-up weapon and the officers must meet all qualification requirements as set forth by Criminal Justice Training and Standards.

Handgun: A pistol, revolver or firearm with a short stock that is designed to be fired with the use of one hand

Shotgun: A shoulder-fired secondary weapon used in special circumstances that fire either 1oz Slug rounds or .00 Buck Shot.

Patrol Rifle: A .223 caliber shoulder fired, gas operated magazine fed weapon capable of semi-automatic fire and used in certain approved circumstances as a primary weapon.

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IV. Procedures

WEAPONS ISSUED AND CARRY OF WEAPONS

- A. Authorized Weapons.** Montreat Police Officers, while on or off duty, shall carry only Firearms and ammunition authorized and or issued by the department.
- B. Approved List.** The Montreat Police Firearms Instructor(s) shall maintain a list of all authorized firearms and ammunition issued and approved by department personnel for use on and off duty.
1. This list of firearms shall include the following information:
 - a. The name of the officer to whom a weapon is issued or approved;
 - b. Whether the weapon is department issued or personally owned/department approved;
 - c. Make of weapon;
 - d. Model of weapon;
 - e. Serial number of weapon;
 - f. Type of weapon;
 - g. Type of ammunition issued and/or authorized;
- C. Firearms Inspection.** The firearms instructor shall inspect all firearms issued to department personnel at least annually during firearms qualification. Inspections shall be documented in writing. Any firearm found to be unsafe will be taken out of service and replaced with a spare weapon. Any firearm removed from service will remain out of service until all repairs are completed.
- D. Authorized Firearms and Ammunition issued by the Montreat Police Department:**
1. Issued Firearms:

Glock, Model 21, 45 caliber semi-automatic
Only ammunition issued by the Montreat Police Department shall be carried and used in department issued firearms.
 2. Issued Shotguns:

Remington 12 gauge 870 Police
Only department issued ammunition will be carried and used in department issued shotguns.

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3. Patrol Rifles:

Model AR-15 -.223 Caliber

Only department issued ammunition will be carried and used in department issued patrol rifles.

4. Personally Owned/Off Duty Weapons

- a. All personally owned weapons which are to be carried "off duty concealed" shall be inspected by the firearms instructor who shall have the authority to authorize the use and carry of the firearm and ammunition that is commonly accepted for law enforcement use.
- b. Officers carrying personal firearms will be required to show proficiency in the use of the firearm by qualifying on both the day and night qualification course. This qualification must be done annually before being approved to carry the weapon.
- c. Any officer wishing to carry a personally owned weapon as a back-up while on duty will also have to show proficiency in the use of the firearm by qualifying annually on both the day and night qualification course. Only weapons of .380 caliber or higher will be approved for back-up carry.
- d. Officers are encouraged, but not required, to wear a weapon while off duty, regardless of jurisdiction and in accordance with state law. EXCEPTION: Whenever an officer is operating a Montreat Police Department marked vehicle he/she will be required to carry a firearm.

E. Carry Guidelines

1. Concealed Handguns

- a. Off-duty Officers will carry handguns in a manner that conceals them from public view. Officers carrying off-duty or secondary weapons will comply with all applicable state laws and departmental directives concerning their use as if on duty. Secondary weapons will not be carried in a conspicuous fashion or worn in any manner visible to the public.
- b. Secondary weapons must be carried in a holster or carrying system and must remain secured while performing physical activity.

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- c. Officers working in a plain-clothes assignment will carry their handgun on their person at all times while on duty or while operating any police vehicle. Officers working in plain clothes may be permitted to carry their handgun in an alternate fashion if approved by the Chief of Police.
- d. At no time will officers carry a firearm without also having in their possession their police identification and their North Carolina Driver's License, unless specifically approved by the Chief of Police and in the performance of duty.
- e. All firearms carried or used by an officer must be registered with the Department by make, model, and serial number, including any firearm to be carried by the officer in a concealed manner while off duty. Completion of the F9A form during firearms qualification, listing the required information, will meet this requirement.

2. Safety Rules and Regulations

- a. Sworn members of the Montreat Police Department are responsible for the safety and security of their department issue weapons **at all times**. Sworn personnel will also be held responsible for the security of the issued weapon when that weapon is not being carried on the officer's person. No Montreat Police Department weapon will be left unattended or unsecured in any place at any time.
- b. When inside the Montreat PD Headquarters, all unattended weapons will be kept in a locker, in any secured, locked storage area, or on the officer's person.
- c. Any department issued or approved long gun carried in a police vehicle must be secured within the vehicle.
 - i. If carried inside the passenger compartment, the long gun must be carried in an electronic mount device.
 - ii. If carried in the trunk of the vehicle, the long gun must be mounted and locked to the interior of the vehicle. If it is in a case, the case must be permanently affixed or locked to the vehicle compartment if possible.
 - iii. Any officer who regularly carries a long gun in their assigned vehicle while off duty, must park the vehicle in off street parking, i.e., in the driveway of the officer's residence or in a garage.
 - iv. An officer residing in an apartment or condo, without a garage and only a common, unsecured parking lot available

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for parking, may NOT store the long gun in the trunk of the vehicle while off duty.

- e. Any employee issued a firearm will be instructed in this policy and in the use of the weapon security device.

3. The Law Enforcement Safety Act of 2004

- a. The Law Enforcement Safety Act of 2004 authorizes qualified active and honorably retired law enforcement officers to carry firearms concealed nationwide. The Montreat Police Department shall adopt the following policies and procedures pertaining to the act:

- i. All currently sworn Officers and Retirees must complete the Use of Force classroom and firearms range training to carry concealed weapons. The firearms instructor shall notify retirees 30 days prior to firearms in-service training. The retirees should reply to the notification a minimum of 3 days before the scheduled training.
- ii. The firearms instructor shall approve the retired officer's weapon and ammunition, which they must provide, based upon the policies and procedures of the Montreat Police Department. Retired officers shall successfully complete the use of force classroom training and qualify with a minimum score of 70% during a day and night approved course of fire.
- iii. After successfully completing the training an identification card will be issued to the retirees. This card shall be presented at any future firearms training to verify credible years of service. Both sworn officers and retirees shall have in their possession the ID card issued by the Montreat Police Department and another form of picture ID while carrying a weapon concealed upon their person.

4. Restrictions to Carry: The Following restrictions shall apply to all sworn employees and retired officers:

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- a. MPD Officers must have in their possession at all times their badge and police identification when carrying a weapon concealed while on or off duty.
- b. Neither sworn or retired officers shall carry a weapon while consuming alcoholic beverages or while under the influence of any drug or substance that impairs physical and/or mental function and ability.

VII. WEAPONS QUALIFICATION AND IN-SERVICE TRAINING

A. Course of Fire

1. The Montreat Police Department will utilize only certified Firearms Instructors. MPD Firearms Instructors will be responsible for developing courses of fire for qualification purposes, meeting or exceeding North Carolina Criminal Justice Training and Standards requirements and commensurate with the type of weapon to be carried by each individual officer. The Firearms Instructor will certify that an applicable course of fire has been satisfactorily completed.
2. Firearms proficiency is based on a pass/fail scoring system with 70% being the minimum passing score. Officers must demonstrate at least 70% accuracy with all firearms except an issued or personally owned .223 Caliber Patrol Rifle which requires a 80% as the pass qualification score. Day and night qualifications with at least 70% accuracy are required with each handgun carried (on or off duty weapon).
3. The weapon and holster used during training and qualification will be the same type as that which is to be used by the individual officer. The ammunition must be of the same type to be used by the individual officer.
4. Firearms instructors will adhere to the following procedures for each sworn officer:
 - a. Document day and night qualification with the department issued hand gun and any off duty handgun with a score;
 - b. Document day and night shotgun qualification with a score.
 - c. Document Patrol Rifle with a score.

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B. Remedial Training. Firearms qualification shall be conducted and monitored by an instructor certified to provide instruction with the weapon.

1. Firearms. For officers who fail to qualify with at least 70% proficiency with any duty weapon required by the Montreat Police Department. the firearms instructor will assist by:
 - a. Using personal observations of the officer on the range review the basics of firearms as to: stance, site picture and alignment, breathing, grip and trigger pull; and, check the sites of the weapon.
 - b. Permitting the officer to shoot the course a second time.
 - c. If the officer fails on the second attempt, the instructor will provide immediate remedial training using personal observations of the officer on the range, and target observations. The firearms instructor will provide one on one instruction of the basics with observation of the officer shooting the weapon to determine deficiencies and correcting them.
 - d. Practice rounds are allowed but must be indicated as such by the firearms instructor prior to shooting the rounds.
 - e. Permit the officer to shoot the course for a third attempt. If the officer fails on the third attempt, the firearms instructor shall:
 - i. Take the officer's weapon;
 - ii. Advise the officer that he/she cannot carry a weapon under law enforcement authority; and that
 - iii. He/she forfeits the right to carry a personally owned, off-duty weapon without a valid North Carolina Concealed Weapons Permit.

2. Failure to Qualify With Firearm
 - a. If an officer fails to meet certification standards, i.e., (1) Does not shoot a passing score within three attempts; or (2) fails to attend qualification, the officer's authority to carry the weapon will be immediately revoked by the Firearms Instructor who will deliver to the officer written notification of the revocation on Form F-9A, approved by the North Carolina Criminal Justice Education and Training Standards Commission.

 - b. The officer must sign the form in acknowledgement of the revocation. The Firearms Instructor will advise the officer that he/she cannot carry a weapon under law enforcement authority and that he/she forfeits the right to carry an off-duty personally owned weapon without a valid North Carolina Concealed Carry Permit. Officers who have a permit to carry a concealed weapon may continue to do so, but may not display their badge or in any way

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imply that they are operating under the authority of the Department in the use of this weapon.

- c. The revocation of authority to carry a primary weapon will require the firearms instructor AND the officer to notify the officer's immediate supervisor before the end of the officer's current shift where possible, but no later than 24 hours of the failure to qualify. The Firearms Instructor will forward the revocation form through the chain of command to the Chief of Police as soon as possible, but no later than 24 hours of the failure to qualify. The North Carolina Criminal Justice Education and Training and Standards Commission will be notified of the failure and the officer's certification shall be suspended.
- d. Officers who fail to qualify with any required firearm and whose law enforcement certification has been suspended will be placed on unpaid administrative leave and will not be allowed to perform law enforcement duties until the officer complies with Commission requirements and certification is reinstated.
- e. Officers who have failed to qualify will not be allowed to operate a marked police vehicle until they have re-qualified with their primary duty weapon.

If, after a period of time designated by the Chief of Police, the officer has failed to achieve certification, he/she will be terminated for failing to maintain certification standards. In the case of physical or mental disability, the officer may become eligible for disability retirement.

This Policy and Procedure has been approved this date ____ of _____, _____.

 Chief of Police