

## Firearms

### 305.1 VERSION

| Review Date | Effective Date | Approving Authority              |
|-------------|----------------|----------------------------------|
| 08/11/2020  | 07/09/18       | Eric D. English, Chief of Police |

### 305.2 POLICY AND PURPOSE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

The Harrisonburg Police Department will equip its employees with firearms to address the risks posed to the public and department employees by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided, including being issued and trained in the Firearms policy prior to the issuance of the firearm. This policy only applies to those employees who are authorized to carry firearms.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

### 305.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 305.4 DEFINITIONS

**Lead Firearms Instructor**-refers to the department's Personnel Development Unit Sergeant, or his designee (who will at a minimum be a certified Firearms instructor). The Lead Firearms Instructor is responsible for ensuring that all relevant firearms training regulations and procedures are followed by participants at all times.

**Rangemaster**- The Rangemaster may be the lead firearms instructor on-site or his/her designee, or appointed by the Department's Lead Firearms Instructor to be present when firearms-related activities are being conducted at the range.

### 305.5 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Employees shall only use firearms and ammunition that are issued or approved by the Department. No firearm shall be carried by an employee who has not qualified or trained with that firearm at an authorized Department range.

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#### 305.5.1 HANDGUNS

The authorized Department-issued handgun is the Glock Model 17 9mm and Model 19 9mm.

#### 305.5.2 SHOTGUNS

The authorized Department-issued shotgun is the Remington 870, 12 Gauge, with less lethal ammunition.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine empty, the action closed on an empty chamber, and the safety in the safe position. Less lethal ammo should be carried on the shotgun side saddle.

#### 305.5.3 PATROL RIFLES

The authorized Department-issued patrol rifle is the AR-15 style chambered in 5.56mm.

When not deployed, the patrol rifle shall be properly secured in a locked weapons rack in the vehicle, and if not rack equipped, placed in a locked rifle case with the case attached to a security cable secured to a fixed object in the trunk. The condition of the non-deployed rifle will be with the chamber empty, magazine loaded and inserted in the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

#### 305.5.4 PERSONALLY OWNED DUTY FIREARMS

Officers desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee ( 58-Request to Carry Personal Firearms.pdf ). For specifics related to personally owned duty rifles, refer to 305.5.5 PATROL RIFLE - PERSONAL RIFLE SPECIFICATIONS. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and approved for use by the lead firearms instructor.
- (b) The firearm shall be subject to inspection whenever it is deemed necessary.

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- (c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the lead firearms instructor, who will maintain a list of the information.

#### 305.5.5 PATROL RIFLE - PERSONAL RIFLE SPECIFICATIONS

Personally owned rifles for carry by Department personnel shall be initially inspected and approved by the Lead Firearms Instructor or designee. Any rifle that does not meet the standards below and approved by the Lead Firearms Instructor shall not be carried.

- (a) The primary patrol rifle/carbine shall be an AR-15/CAR-15 type chambered for 5.56mm rifle ammunition and is to be secured in the weapon rack or locked in the trunk.
- (b) All rifles are required to have approved RDS (red dot sight).
- (c) The butt stock may be either fixed or collapsible.
- (d) Barrel length: 10.5" to 16"; any barrel under 16" must be registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives as a short barreled rifle (SBR). All proper paperwork must be obtained prior to purchasing the weapon and it being approved for use.
- (e) Iron sights are required on all patrol rifles. A2 style sights mounted on the carry handle or backup iron sights are allowed. Night sights may be used.
- (f) Acceptable magazines are 20 round magazines loaded with 18 rounds and 30 round magazines loaded with 28 rounds.
- (g) Rifles must be equipped with either a single or 2-point sling system suitable for tactical deployment where the weapon may be retained "hands free," yet ready for immediate use. Military style carry slings may not be used.
- (h) All rifles shall be equipped with a flashlight with a minimum of 300 lumens that has been approved by the Lead Firearms Instructor or designee.

#### 305.5.6 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved for use by the lead firearms instructor.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department. Ammunition shall be the same type as Department issue. If the caliber of the handgun is other than Department issue, the lead firearms instructor shall approve the ammunition.

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- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the lead firearms instructor prior to initial carry and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (g) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the lead firearms instructor, who will maintain a list of the information.
- (h) For a personally owned firearm to carry as a secondary handgun, officers are required to complete the 58-Request to Carry Personal Firearms.pdf form.

#### 305.5.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of Department-issued firearms by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their authority as law enforcement officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
  - 2. For a personally owned firearm to carry off-duty, officers are required to complete the 58-Request to Carry Personal Firearms.pdf form.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Lead Firearms Instructor for inspection and approval prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection.
- (d) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Lead Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The officer will successfully qualify with the firearm prior to it being carried.
- (f) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Lead Firearms Instructor, who will maintain a list of the information.
- (g) If an officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Officers shall only carry Department approved ammunition.

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- (i) When armed, officers shall carry their badges and Harrisonburg Police Department identification cards under circumstances requiring possession of such identification.

#### 305.5.8 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms during the officer's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed when needed.

Officers carrying personally owned authorized firearms **while off duty** shall utilize and maintain a controlled expansion type of ammunition recommended by the lead firearms instructor, at their own expense.

When worn, officers shall ensure that their pistols are loaded at full capacity (i.e., Glock 17, 1 round in chamber and magazine loaded with 17). All spare magazines, when carried, shall also be loaded at full capacity.

#### 305.6 EQUIPMENT

Department issued firearms shall be maintained in a clean, serviceable condition.

##### 305.6.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or firearms instructor.

Firearms that are the property of the Department or personally owned firearms that are approved for Department use may be repaired or modified only by a person who is Department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the lead firearms instructor. (212-Firearms Modification Form.pdf)

##### 305.6.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

Only Department-approved holsters shall be used and worn by officers on duty.

- (a) Officers assigned to operations will wear the currently issued "level-3" holster when in a Class A or B uniform (to include utility uniforms such as K-9, Bicycle, Motorcycle, Motor Carrier, ACO, etc.)
- (b) Officers assigned to an administrative function will wear the currently issued "level 2" holster when in a Class A or B uniform.
- (c) Officers wearing a Class C uniform (training, instruction, other work details) will wear the holster that is authorized for use by the supervisor for that activity, or will at a minimum wear a "level 2" holster if another holster is not specified.

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- (d) Officers assigned to special details such as plainclothes, SWAT, CDU, CNT, etc., will utilize at a minimum a level 2 approved holster.

The list of currently approved holsters will be maintained by the Personnel Development and Training Unit.

Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### 305.6.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the lead firearms instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### 305.6.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the lead firearms instructor. Any approved sight shall only be installed by a certified armorer in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

### **305.7 SAFE HANDLING, INSPECTION AND STORAGE**

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) When at the range, officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Lead Firearms Instructor.
- (c) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked.
- (d) No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Officers providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) Any firearm authorized by the Department to be carried on or off-duty that is determined by a officer to be malfunctioning or in need of service or repair shall not be carried, it shall be promptly presented to a supervisor and/or firearms instructor for inspection. Any firearm deemed in need of repair or service will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

#### 305.7.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the

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weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

The Lead Firearms Instructor has the responsibility of making periodic inspections, at least once a year, of all duty firearms carried by officers of this Department to verify proper operation. The Lead Firearms Instructor has the authority to deem any Department-issued or personally owned firearm unfit for service. The officer will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Lead Firearms Instructor.

Personally owned firearms authorized to be carried on-duty may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate equipment storage room or securely locked in a police vehicle.

#### 305.7.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are secured while in their homes or any other areas under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Va. Code § 18.2-56.2).

#### 305.7.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on or off-duty, who has consumed any amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the officer's senses or judgment.

### **305.8 FIREARMS TRAINING AND QUALIFICATIONS**

All officers who carry a firearm while on-duty are required to successfully complete training semi-annually with their duty firearms.

In addition to semi-annual training, all officers will qualify annually with their duty firearms and complete approved in-service training which shall include review of the following (6 VAC 20-30-80):

- (a) Nomenclature and care of the weapon
- (b) Safety (e.g., on the firearms range, on-duty and off-duty)
- (c) Legal responsibilities and liabilities of firearms
- (d) Handling and firing principles
- (e) Dry firing (e.g., application of basic shooting principles)
- (f) Handgun Qualification (70 percent minimum required) on one of the DCJS approved courses:
  1. For procedures related to Firearms Qualification-Handgun, please refer to :  
305.8.2 FIREARMS QUALIFICATION COURSES- HANDGUN

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(g) Special weapons, to include patrol rifle and shotgun, as required by this Department Firearms training and qualification shall be conducted by certified firearms instructor (6 VAC 20-80-20).

All firearm qualifications must be successfully completed while using the holster to be worn while on-duty, in uniform.

The Chief of Police shall file any mandated reports with the Director of the DCJS using the DCJS-approved forms (6 VAC 20-30-100). Firearms training and qualification shall be conducted by certified firearms instructor (6 VAC 20-80-20).

At least annually, all officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

The Lead Firearms Instructor has the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the officer is authorized to carry.

The Lead Firearms Instructor shall complete and submit to the Training Office documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Lead Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Office.

#### 305.8.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor, who then shall notify the Personnel Development Unit.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- (b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for:
  1. Unauthorized range make-up.
  2. Failure to meet minimum standards or qualify after remedial training.

Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.



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#### 305.8.2 FIREARMS QUALIFICATION COURSES- HANDGUN

Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using the applicable firearms course approved by the Committee on Training of the board. The list of approved courses is identified under the performance outcomes for weapons and firearms training in the Virginia Criminal Justice Services Training Manual and Compulsory Minimum Training Standards. DCJS Reference: [http://townhall.virginia.gov/L/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C140%5CGDoc\\_DCJS\\_5124\\_v1.pdf](http://townhall.virginia.gov/L/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C140%5CGDoc_DCJS_5124_v1.pdf)

#### 305.9 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Response to the Use of Deadly Force and/or Situations Resulting in Serious Physical Injury. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In addition to the above, the on-duty supervisor shall at a minimum:

- (a) Photograph any scene of a weapon discharge when applicable and secure the photographs as evidence.
- (b) Interview any witnesses to the weapon discharge if necessary and include such statements in a findings report.
- (c) Conduct administrative interviews with any Department employees involved and/or present at the scene of the discharge.
- (d) All firearm discharges will be recorded by a supervisor through the designated tracking software.

#### 305.10 RANGEMASTER INSTRUCTOR DUTIES

The range will be under the exclusive control of the Rangemaster. His/Her responsibilities include ensuring DCJS directives are followed; rosters, lesson plans, and personal protective equipment are utilized; targets, stands, and other support equipment is available and in working order as required and that the range operates efficiently to optimize the benefit to those participating, with the emphasis on safety. The Rangemaster will also identify opportunities for improvement and make recommendations to the Department's Lead Firearms Instructor and/or Chief of Police in matters concerning the firearms range.

Rosters of all officers attending the range will be maintained and will be submitted to the Training Officer after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department officers during hours established by the Department.

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#### **305.11 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 officers 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Harrisonburg Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature 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's license, passport).
- (c) The Harrisonburg Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Harrisonburg Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (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 of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer 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.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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#### **305.12 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Harrisonburg Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) 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.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.