

UTAH CHIEFS OF POLICE ASSOCIATION

Model Firearms Policy

PURPOSE

It is the purpose of this policy to provide officers with guidelines associated with the safe handling and proper use of firearms, as well as maintenance, safety, and qualification requirements related to agency-authorized or issued firearms. The department recognizes that, nationally, certain recurrent types of incidents make up the bulk of firearm injuries and cause the majority of firearms-related lawsuits, including the following:

- Accidental discharges
- Intentional discharge under circumstances where use of firearms is not justified
- Intentional discharge under circumstances where use of firearms is justified, but the discharge results in injury to persons other than the individual at whom the fire was directed.

Recognizing that many, if not most, of these incidents are preventable, this policy is intended to minimize the human tragedy and financial loss that so often attends the misuse of firearms by law enforcement officers through the promulgation and rigorous enforcement of policies and procedures designed to limit the improper handling and discharge of firearms.

POLICY

It is the policy of this law enforcement agency that officers adhere to the requirements established herein in order to ensure the safe handling and proper use of service firearms.

DEFINITIONS

Authorized Firearm: Any make, model, or caliber of firearm that meets this agency's designated requirements and specifications, and has been formally approved by the agency armorer and chief executive officer or his designate for general or individual use by sworn law enforcement personnel. This includes primary service handguns, alternate service handguns, backup handguns, shotguns, and rifles used for law enforcement purposes.

Primary Service Handgun: The firearm authorized by this agency to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plain-clothes officers.

Back-up Handgun: Any authorized handgun other than the primary service handgun that is carried in an authorized concealed manner.

Firearms Qualification: Periodic testing required of officers to determine their competency to carry authorized firearms.

PROCEDURES

A. General Provisions

1. Any firearm carried by officers when on or off duty—with the exception of weapons used for recreational purposes— must be an authorized firearm.
2. Only ammunition that has been approved by this agency on a general or individual basis may be used in authorized firearms.
3. Only sworn officers who have successfully passed firearms qualification and the use-of-force training course prescribed by this agency are authorized to carry a firearm.
4. The primary service handgun shall be carried in accordance with uniform and related requirements and as otherwise specified by this, or other applicable agency policy.
5. Officers shall be issued fresh duty ammunition in the specified quantity for all authorized firearms during the officer's first scheduled qualification each year. Replacements for defective or depleted ammunition shall be dispensed by the armorer when needed in accordance with established policy.
6. Generally, officers may carry only one primary service handgun. However, officers on special assignment and other officers with an articulable need may request authorization to carry alternate primary service firearms, backup firearms, and/or alternate ammunition on an on-going or periodic basis.

B. Off-Duty Firearms

1. Officers may, but are not required to, carry an authorized firearm while off duty. However, officers must be armed when in uniform and/or operating a marked patrol vehicle whether on or off duty.
2. Back-up and off-duty firearms shall be carried concealed when the officer is in plain clothes or in uniform unless:
 - a. the officer is in the workplace, and the officer's badge is prominently displayed next to the firearm;
 - b. the officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed near the weapon; or
 - c. the officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as in hunting or target practice.
 - d. Such practice would violate state or local law.
3. When armed, whether on or off duty, officers shall carry their badge and agency identification.

C. Firearms Qualifications

1. All officers authorized to carry firearms shall be required to qualify with each authorized firearm on at least a semi-annual basis.
2. All officers shall be graded on a pass/fail basis for purposes of firearms qualification.
3. On at least an annual basis, all officers authorized to carry firearms shall receive and shall be required to demonstrate their understanding of the law and agency policy and procedures relating to the use-of-force as set out in the agency approved use-of-force training course and other applicable agency policy.
4. Officers shall be allowed no more than two attempts to qualify on any given day using each authorized firearm. Officers who fail to qualify with any authorized firearm on the first day shall be subject to the following requirements:

a. The officer's unit commander shall be notified and shall promptly arrange with the training coordinator for a period of formal remedial firearms training not to exceed one week in duration. Such training does not preclude an officer from engaging in any additional informal practice or training sessions that the officer may deem necessary.

b. The officer shall be given additional attempts to re-qualify within a reasonable period of time. A written report shall be forwarded to the commander of any officer who fails to re-qualify within a reasonable period of time. The report shall include the training officer's recommendations for corrective action.

5. Primary Service Handgun—Failure to Qualify. Any officer who fails to qualify with the primary service handgun within a reasonable time period and following remedial training or other corrective action(s) shall be relieved of duty pending the outcome of an administrative hearing and/or a fitness-for-duty evaluation as determined by the agency chief executive or his designate.

6. Backup Firearms—Failure to Qualify. Any officer who fails to qualify with any back-up weapon shall be given opportunities within a reasonable time period to re-qualify with that firearm. Failure of the officer to re-qualify thereafter shall disqualify the officer from carrying the firearm in question until such time as the officer may re-qualify. However, the officer may remain on regular duty assignment if qualified to carry the primary service handgun.

7. Officers must (re)qualify with their primary service handgun and additional firearms (as appropriate) following return to duty after a leave of absence of more than 180 days.

8. Officers assigned to special tactical units, such as SWAT or stakeout units, are required to qualify using additional proficiency standards established by their unit commander and/or the training officer. These include but are not limited to proficiency testing at night and/or in reduced light situations, in combat simulation, and when using both weak and strong hands. Officers assigned to or serving with such units shall be guided by and subject to firearms training and qualifications standards promulgated by their unit commander.

D. Firearms Modifications

1. Modifications to any agency-authorized firearm require the written approval of the agency-designated armorer. This includes but is not limited to modifications involving grips, spring kits, sights, or finishes.

2. Defective, unsafe, or unauthorized firearms shall be reported to the armorer.

3. Repairs or alterations to agency-authorized firearms may only be made by an armorer employed or authorized by this agency.

4. Authorized firearms shall be maintained in a clean and safe operating condition and shall be inspected every 30 days by the unit supervisor.

E. Shotguns

1. Officers assigned to patrol operations are permitted to carry agency-issued shotguns while on duty if they have successfully passed the shotgun qualification course.

2. Shotguns shall be carried in a secure rack as provided in patrol vehicles and in the following manner:

a. Magazine loaded to full capacity,

- b. No shell in the chamber, and
 - c. Cocked with the safety in the “On” position.
3. Officers may only carry and use ammunition authorized by this agency unless approval is granted by the agency chief executive and the officer qualifies with that ammunition. (This includes but is not limited to rifled slugs and magnum loads)

F. Firearms Safety

1. Officers shall not carry a firearm on or off duty when they are legally impaired or have a blood-alcohol content of .08 percent or greater.
2. Officers shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably believe would impair their ability or judgment to use a firearm.
3. Officers shall not store or leave a firearm in any place within the reach or easy access of a minor or other unauthorized person.
4. All authorized firearms shall be carried in a safe and secure manner as authorized by this agency.
5. Removal of firearms from their holster or other carrying devices for other than authorized purposes—such as tactical use, training and qualification, inspection, or cleaning and maintenance—is prohibited. Any careless, flippant, or casual use or display of a firearm will constitute grounds for discipline.

G. Carrying Firearms on Commercial Aircraft

1. When conducting official business that requires commercial airline travel, officers shall check their firearm in carry-on baggage if it is not needed while in flight to guard a prisoner or for other purposes. In these cases, officers are required by federal regulations to certify to the airline that a firearm is in the baggage and that it is unloaded.
2. When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transportation or other reasons, officers shall submit a draft letter on agency stationery addressed to the commercial airline carrier that details the need for the officer to be armed. The draft letter shall be submitted to the agency chief executive for approval and signature.
3. Officers should plan to arrive at the airline at least one hour prior to departure, present the letter to the airline ticket agent together with agency badge and identification card (with full-face photograph), declare possession of a firearm, and request that the necessary security and airline personnel be notified.
4. Officers shall request that they be notified of any other persons who are traveling armed aboard the aircraft.
5. Officers are governed by regulations of the Federal Aviation Administration (FAA) for carrying firearms on commercial airlines. However, airline personnel have the final authority and may require that an officer surrender a weapon before boarding or while on a commercial aircraft.
6. Officers should refer to this agency’s policy on transporting prisoners for additional FAA and agency requirements concerning the transportation of prisoners aboard commercial aircraft.

Note: Obviously, then, any firearm that does not meet departmental standards and/or has not been approved by the department for use by departmental personnel is an *unauthorized firearm*, regardless of the type of

firearm involved or the individual officer's degree of expertise in its use. All personnel are prohibited from carrying unauthorized firearms. This in turn means that the officer will not receive approved departmental training in its use, and will not qualify with the weapon under departmental regulations.

Disclaimer:

These policies are provided for guidance and use by members of the Utah Chiefs of Police Association. They have been reviewed by the Utah Chiefs of Police Association Judge Advocate for conformance with Utah State law. These policies should be modified as needed for the individual needs of each police organization and reviewed with the agencies legal department before adoption.