12.025 AUTHORIZED WEAPONS

Reference:

Ohio House Bill 12, Section 9
18 USC 926B, 926C, Law Enforcement Officers Safety Act of 2004
Ohio Revised Code 2901.01K, Law Enforcement Officer
Ohio Revised Code 2923.12B, Carrying Concealed Weapons
Ohio Revised Code 2923.12.1, Illegal Possession of Firearm in Liquor Permit Premises
Ohio Revised Code 2923.12.2, Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance in School Safety Zone
Ohio Revised Code 2923.12.3, Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse
Ohio Revised Code 2923.126, Duties of Licensed Individual
Ohio Revised Code 2923.15, Using Weapons While Intoxicated
Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming
Procedure 12.545, Use of Force
Procedure 12.550, Discharging of Firearms by Police Personnel
Procedure 12.815, Court Appearances, Jury Duty, and Other Hearings
Procedure 19.140, Outside Employment

Definitions:

Qualified Law Enforcement Officer – An employee of a governmental agency who:

- is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- is authorized by the agency to carry a firearm;
- is not the subject of any disciplinary action by the agency;
- meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from receiving a firearm

Information:

Supply Unit maintains a perpetual record of all Department owned and approved weapons.

The Law Enforcement Officers Safety Act of 2004 permits qualified active and retired law enforcement officers to carry concealed weapons nationwide.

The Law Enforcement Officers Safety Act does not supersede or limit the laws of any state permitting persons or entities from prohibiting or restricting the possession of concealed firearms on private property. Individual states still retain the authority to prohibit or restrict the possession of firearms on any state or local governmental property, installation, building, etc. (educational institutions, court houses, etc.).

Policy:

The Police Department will assign firearms only to sworn employees. With the prior written approval of the City Manager, the Department may assign a firearm to a qualified civilian employee **who has successfully demonstrated proficiency in the use of the agency authorized weapon. Proficiency must be to the standards set by the Rangemaster of the Department Firearms Training Squad (FTS).**

The Police Department will only dispose of weapons according to law and purchasing regulations.

While on duty, an officer will carry or have under his/her control, only Department authorized weapons and ammunition. Personnel will carry the firearm as directed in Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming.

An optional backup handgun provides an officer with a backup firearm in the event his/her primary sidearm is unavailable or circumstances reasonably preclude or restrict its use. The carrying of a backup handgun is permitted when an officer is working in a uniform or in plain clothes law enforcement capacity. Only one backup handgun may be carried. An officer who carries a backup handgun is responsible for its purchase, cost of repairs, maintenance, and ammunition. The backup handgun will not have an operational laser sighting system. It will not be carried in a law enforcement capacity unless approved by the FTS. Officers must annually complete an Ohio Peace Officer Training Academy approved qualification course with their backup handgun. The FTS will conduct training sessions on a quarterly basis for officers wishing to carry a backup handgun.

Officers carrying backup handguns must secure them when they are required to secure their primary duty weapon (Hamilton County Justice Center, Juvenile Detention Center, training, etc.).

Off-duty handguns provide officers with an alternative to carrying the primary duty weapon while off-duty. Carrying an off-duty handgun is optional, and will not be carried unless approved by the FTS. An officer who carries an off-duty handgun is responsible for its purchase, cost of repairs, maintenance, and ammunition. Officers must annually complete an Ohio Peace Officer Training Academy approved qualification course with their off-duty handgun. The FTS will conduct training sessions on a quarterly basis for officers wishing to carry an off-duty handgun.

Personally owned patrol rifles augment the Department's complement of rifles carried in the field. The carrying of a personal patrol rifle is optional. **Only trained officers who are on the active patrol rifle program list** may carry a personally owned rifle while working in a law enforcement capacity.

Officers are responsible for the purchase, cost of repairs, and maintenance. Officers who choose to carry a personally owned patrol rifle must complete a new users training course and qualify annually.

The FTS will conduct inspections on all personally owned patrol rifles for safety, serviceability and conformance. The Rangemaster has final approval on all personally owned patrol rifles and equipment to be carried.

Officers who carry backup or off-duty handguns or a personally owned patrol rifle will adhere to Procedure 12.025, Authorized Weapons, Procedure 12.545, Use of Force, and Procedure 12.550, Discharging of Firearms by Police Personnel, as they do with their primary handgun.

Ammunition used for practice purposes must be **manufactured ammunition**. No reloaded ammunition is permitted.

All Department personnel will be instructed in Department use of force policies and procedures, before authorization to carry lethal and less-lethal weapons. Only personnel meeting FTS qualification standards in the use of Department authorized weapons are authorized to carry those weapons, both on or off-duty.

Each officer must qualify annually with the Department issued primary duty weapon. With the Police Chief's approval, the Rangemaster will determine qualification standards. An officer who fails annual qualification will be relieved of their police powers prior to leaving the training facility. Affected personnel will leave their badge, wreath, identification card, issued primary duty weapon, and ammunition with FTS personnel.

Each civilian employee assigned Department issued weapon must qualify annually with the firearm. A civilian employee who fails annual firearm qualification will surrender the firearm and ammunition to FTS personnel prior to leaving the training facility. A civilian employee may be reissued the weapon upon meeting FTS qualification standards in the use of the weapon.

Officers must follow the provisions of this procedure and be in possession of their Department issued identification card to legally carry a concealed firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.

Procedure:

A. Authorized Weapons and Ammunition

1. Department Issued Primary Duty Weapons

a. Semi-automatic pistols:

1) Smith and Wesson, 9mm, Military and Police (M&P9)

2) Smith and Wesson, 9mm, Military and Police 2.0 (M&P9 2.0) equipped with the Department issued Nightstick TWM-850XL weapon mounted light.

a) Officers in non-uniformed assignments and those at the rank of captain and above are exempt from carrying the weapon mounted light.

1] Officers in non-uniformed assignments working uniformed, outside employment details are required to utilize the weapon mounted light.

b) SWAT members may carry weapons and weapon accessories on duty as authorized by the SWAT and Tactical Coordination Unit's Standard Operating Procedures.

c) Must be mounted on the weapon prior to reporting for duty and remain mounted for the duration of the officer's tour of duty.

d) Officers are permitted to use the weapon mounted light when authorized to draw their firearm as stated in Procedure 12.545, Use of Force.

e) Officers will continue to carry an additional light source for situations which do not require the use of a firearm.

3) Smith and Wesson, 9mm, Military and Police compact (M&P9c)

a) Only the following assignments are issued and authorized to carry the M&P9c:

1] Investigative and plainclothes assignments refer to Section C of this procedure.

2] Captains and above, in addition to the M&P9 or M&P9 2.0.

3] SWAT members, in addition to the M&P9 or M&P9 2.0.

4) Authorized ammunition for primary duty weapons is Winchester 9mm, 147 grain jacketed hollow point, T-series.

2. Authorized Weapons for Court Appearances

a. Officers responding to court on cases resulting from official business, including outside employment details, will only carry the following weapons:

1) Department issued M&P9, OR M&P9 2.0

2) Department issued M&P9c

3) Personally owned M&P9c

a) The officer is responsible for its purchase, cost of repairs, maintenance, and ammunition

b) The weapon must be maintained according to the manufacturer's specifications to include upgrades and replacement of parts.

c) The weapon must be inspected and approved by FTS personnel.

d) The officer must qualify with the weapon.

b. When responding to court in uniform, the Department issued primary duty weapon shall be secured in the Department issued ALS/Level III/Hood Strap Holster.

c. All officers responding to court in civilian attire shall carry an authorized weapon concealed on their person in a secured holster.

1) The holster must be specifically designed for the M&P9, M&P9 2.0, or M&P9c.

2) The holster must be constructed of leather or synthetic material.

3) The holster must have an active retention system equipped with a thumb release.

a) Trigger finger releases, passive retention and friction holster systems are prohibited.

4) The holster must have belt loops and be carried with the officer's belt fed through the belt loops.

a) Paddle and in-the-waistband holsters are prohibited

3. Authorized Personally Owned Backup and Off-Duty Semi-Automatic Pistols and Ammunition

a. Semi-automatic pistols – the weapons listed below have been approved for use as a backup or off-duty handgun. An officer wishing to carry a backup or off-duty handgun not listed below must contact FTS for approval and qualification.

1) .380 semi-automatic pistols

a) Smith and Wesson .380 Bodyguard

b) Ruger .380 LCP

c) Authorized ammunition is Winchester .380 Auto, 95 grain, Jacketed Hollow Point, T-Series

2) 9mm semi-automatic pistols

a) Smith and Wesson 9mm M&P compact (M&P9c)

b) Smith and Wesson 9mm M&P Shield

c) Smith and Wesson 9mm, double action only, with single stack magazine

d) Ruger 9mm, double action only, with single stack magazine

e) Sig Sauer 9mm, double action only, with single stack magazine

f) Glock 9mm, sub-compact

g) Authorized ammunition is Winchester 9mm, 147 grain, Jacketed Hollow Point, T-Series

4. Authorized Personally-Owned Backup and Off-Duty Revolvers and Ammunition

   a. Colt, Ruger, or Smith and Wesson small frame .38 caliber revolvers; barrel length is not to exceed three inches, minimum five round capacity.

      1) Authorized ammunition is Winchester .38 Special +P, 130 grain, Jacketed Hollow Point, Bonded

   b. All personally-owned backup and off-duty handguns must be submitted to FTS for inspection as to safety, serviceability, and conformance to this procedure. Officers must pass the backup and off-duty qualifications separately. The Rangemaster has final approval of all personally-owned backup and off-duty handguns.

5. Department Issued Shotguns:

   a. Remington 870

      1) Authorized ammunition is either Winchester 2¾" 12 gauge 00 buck, Federal 2 ¾" 12 gauge 00 buck with FLITECONTROL wad or Winchester 2¾" 12 gauge slugs.

      2) If the shotgun is dedicated as less-lethal (beanbag shotguns), authorized ammunition is the Defense Technologies DS23 drag-stabilized beanbag round.

6. Department Issued Semi-automatic rifles (Patrol Rifles)

   a. Bushmaster XM15-E2S

   b. Smith and Wesson Military and Police (M&P15)

      1) Authorized ammunition for all patrol rifles is Winchester 5.56, 64 grain bonded solid base

7. Authorized Personally-Owned Patrol Rifle requirements

   a. The requirements listed below have been approved for use of a personally-owned patrol rifle. An officer wishing to carry a personal patrol rifle must contact FTS for approval.

      1) Factory Built

      2) Semi-automatic

      3) M-4 configuration

      4) 18 inches or less barrel length

      5) Chamber in 5.56 NATO

6) Equipped with functional, adjustable iron sights

7) Tactical sling

8) Affixed lighting system

9) Two – 30 round magazines

10) Soft or hard case, designed to protect the rifle

11) No optics with magnification greater than 1.5X

8. Any official firearm designated by the Police Chief

9. Defense Technologies 40mm foam round launcher and rounds

10. Pepper Ball Technologies launcher with .5 OC PepperBall rounds

11. Monadnock Auto-Lock batons

12. Sabre Red MK-3 OC Chemical irritant~~:~~

13. TASER and TASER cartridges.

14. Department Issued SWAT tactical weapons and ammunition

a. SWAT weapons and ammunition are distributed and stored in accordance with the SWAT and Tactical Coordination Unit's Standard Operating Procedures.

b. SWAT members may carry weapons and weapon accessories on duty as authorized by the SWAT and Tactical Coordination Unit's Standard Operating Procedures.

B. Issuance of Firearms

1. The Smith and Wesson M&P9 or M&P9 2.0 semi-automatic pistols are the primary duty weapons issued to all officers.

2. The Smith and Wesson M&P9c compact semi-automatic pistol may be issued to investigators, plainclothes personnel and by personnel authorized by the Police Chief.

a. Investigators, plainclothes personnel or officers wishing to carry an M&P9c as their on-duty firearm must submit a Form 17 through the chain of command to their bureau commander.

1) The M&P9c must be turned into FTS upon completion of the officer's investigative/plainclothes assignment.

2) FTS will issue the M&P9 or M&P9 2.0 before the officer returns to a patrol assignment.

3. Department-Issued Patrol Rifles

   a. Districts/sections/units will maintain assigned semi-automatic rifles (patrol rifles) in their respective armory or in the permanently mounted rifle racks in the passenger compartment of the Ford Explorer Interceptors. Patrol rifles in the armory will be stored in an unlocked nylon case. While stored in the case, rifles will remain unloaded with the bolt forward. Magazines will be stored in the same rifle case but will not be inserted into the magazine well of the weapon.

      1) All unit firearm inventories are accessible in AXON Records.

   b. Patrol rifles stored in the permanently mounted rifles racks will be carried in the rack with the magazine inserted into the magazine well, chamber empty, and safety on.

      1) Patrol rifles will be inspected before an officer's tour of duty to ensure the sling is adjusted correctly, flashlights, and optic are operating properly. Officers are not authorized to remove the sling, flashlight, or optics from the rifles.

      2) Officers wishing to carry their personally owned rifles while operating a vehicle with a permanently mounted department rifle will remove the department owned rifle and place it in the armory. The officers personally owned rifle will then be placed in the mounted rifle rack with the magazine inserted into the magazine well, chamber empty, and safety on.

   c. Only officers selected by the Police Chief and who have passed the annual patrol rifle qualification course are authorized to carry an issued or personally owned patrol rifle.

   d. Authorized officers who are not operating a Ford Explorer with a permanently mounted rifle will obtain a patrol rifle from their district armory at the beginning of their assigned shift.

      1) Authorized officers will inspect the rifle daily prior to entering the field to ensure it is unloaded and the two issued 30 round magazines are present.

      2) The daily inspection will be conducted outside of the police facility with the rifle pointed in a safe direction.

   e. Patrol rifles carried into the field by an officer not operating a Ford Explorer will remain unloaded and stored in the case in a secured area of the vehicle. Patrol rifles will not be carried unsecured in the front of the vehicle during routine patrol duties.

   f. Upon identifying a situation where the deployment of the patrol rifle can assist, officers will remove the rifle from the secured area, load it, and have it ready at hand.

   g. Upon termination of their assigned shift, authorized officers will ensure

the patrol rifle is removed from the vehicle unless secured in a permanently mounted rifle rack and returned to the district armory in an unloaded condition.

h. SWAT rifles stored in district armories are only to be accessed and carried by SWAT personnel. Authorized officers will only carry rifles assigned to the district as part of the patrol rifle program.

C. Investigative Civilian Attire and Old Clothes Assignments

1. On-duty officers, working in civilian attire or old clothes are authorized to carry:

a. The Department issued primary duty weapon, secured in the Department issued or personally owned ALS/Level III/Hood Strap Holster

b. A personally owned M&P9c secured in the Department issued or personally owned ALS/Belt Slide Holster.

1) The weapon must be inspected and approved by FTS personnel.

2) The officer must qualify with the weapon.

2. Shoulder holsters are not permitted for on-duty use.

D. Special Investigations Section Personnel

1. Special Requests to Temporarily Carry an Alternative Duty Weapon.

a. Special Investigations Section Personnel, in plain or old clothes assignments, may request to carry an alternative duty weapon.

1) There must be a demonstrated need (officer safety, concealment) to carry an alternative primary duty weapon.

2) The special investigation must be of a limited duration.

3) Immediate supervisors must approve the carrying of the alternative duty weapon before the special investigation is initiated.

4) The officer must have approval from a bureau commander to carry the alternative duty weapon.

5) The alternative weapon must be inspected and approved by the FTS.

6) The officer must qualify with the alternative weapon.

a) Supervisors will ensure a notation is made in the Unit Operations Plan.

7) Upon completion of the special investigation the officer will resume carrying the Department issued primary duty weapon or authorized personally owned M&P9c.

E. Annual Qualification

1. If an officer fails to qualify, the FTS will do the following:

a. Relieve the officer of his police powers and equipment.

1) The officer must report to Personnel Section during his/her next scheduled working day to obtain a temporary ID card.

b. Notify the officer's unit of assignment of his/her duty status and the date for further training and testing.

1) Officers who are required to work prior to the training and testing date must be assigned duties consistent with their duty status.

c. Notify Personnel Section of the officer's duty status.

d. Store the officer's equipment in the FTS armory pending successful qualification.

e. Schedule the officer for additional training and testing.

1) Officers will be scheduled for additional training and testing on the next available training date.

f. Restore the officer's police powers and return his/her equipment upon successful qualification.

1) Collect and destroy the temporary identification card.

g. Notify the officer's unit of assignment and Personnel Section upon successful qualification.

2. Officers relieved of their police powers must notify the affected detail coordinator if they are scheduled for any outside employment prior to additional training and testing.

3. Officers who fail the annual patrol rifle qualification will immediately be removed from the list of authorized users.

a. Reinstatement to the authorized user's list will be at the discretion of the Police Chief. Final approval will not be granted until the officer passes the annual patrol rifle qualification.

F. Outside Employment Extension of Police Service Details

1. All personnel performing outside employment details are required to carry the Department issued M&P9 or M&P9 2.0.

a. The primary duty weapon must be secured in the Department issued ALS/Level III/Hood Strap Holster.

2. Off duty detail personnel are authorized to carry a backup firearm which meets the inspection and qualification requirements of this procedure.

G. Carrying a Firearm Off-Duty

1. Carrying a firearm off-duty is optional.

2. Off-duty officers, not in uniform, who choose to carry a firearm, will conceal the firearm on their person.

3. An officer wishing to carry an off-duty handgun not listed in Sections A. 1, 3, and 4 must contact FTS for approval.

   a. If approved, the officer must qualify with the off-duty weapon.

4. Ohio Revised Code (ORC) 2923.15 prohibits carrying firearms while under the influence of alcohol or any drug of abuse.

   a. Law enforcement officers are not exempt from the prohibition.

5. The following ORC Sections apply to off-duty personnel, UNLESS they are acting in the scope of their duties as a police officer.

   a. ORC Section 2923.12.1, Illegal Possession of Firearm in Liquor Permit Premises.

   b. ORC Section 2923.12.2, Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance or Illegal Possession of Object Indistinguishable from Firearm in School Safety Zone.

   c. ORC Section 2923.12.3, Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse: Illegal Possession or Control in Courthouse.

6. Off-duty personnel may carry the Department authorized firearms listed in Sections A. 1, 3, and 4 of this procedure, after completing the approval process in Section F.

H. Approval Process for Carrying a Personally Owned Department authorized firearm in an On or Off-Duty Status

1. Each officer responding to the Target Range for qualification will present the following unloaded firearm(s) to the Rangemaster:

   a. Department issued M&P9, M&P9 2.0, or M&P9c.

   b. The personally owned Department authorized backup or off-duty firearm the officer requests authorization to carry.

   c. Any personally owned firearm not listed in Sections A. 1, 3, and 4 the officer wishes to carry off-duty.

2. The Rangemaster will inspect all firearms for safety.

3. The FTS will maintain a record of all annual weapon qualifications.

I. Removal of Unsafe Weapons

1. Notify a supervisor whenever an issued weapon is found to be unsafe or in need of repair.

2. Issue a replacement weapon until the original is returned or permanently removed from service.

3. Repairs/replacements are provided by the following units or sections:

   a. Firearms Training Squad: semi-automatic pistol, shotgun, beanbag shotgun, 40mm foam launcher, Monadnock Auto-Lock baton, and all SWAT weapons.

   b. SWAT & Tactical Coordination Unit: PepperBall launcher, TASER.

   c. Supply Unit: Chemical irritant.

   d. After normal working hours, CIS has semi-automatic pistols and chemical irritant.

J. Storage of Department Owned Firearms

1. Department-owned firearms, not in use, must be stored unloaded, in the armory of the affected district/section/unit in accordance with district/section/unit Standard Operating Procedure.