



CONCORD POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

FIREARMS

GENERAL ORDER: 03.10

CREATED: December 1, 2000

ISSUE DATE: August 3, 2018

ACTION: Amends general order issued February 14, 2018

EFFECTIVE DATE: August 8, 2018

03.10.0 **PURPOSE**

The purpose of this general order is to establish the policies and procedures for the possession, use, maintenance and training of police firearms.

03.10.1 **POLICY**

The nature of law enforcement requires on-duty sworn coworkers to carry firearms. Safeguards designed to enhance coworker performance for the protection of citizens as well as the coworker are of prime concern. These safeguards reduce the probability of criminal and civil liability that could arise from questions of competency, training, and standards. In order to ensure that they are able to perform their duties and protect themselves and the public, coworkers are required to demonstrate reasonable proficiency in all aspects of firearms use and receive periodic training in the use of firearms, the use of force, firearms safety, and basic marksmanship.

03.10.2 **GUIDELINES**

- A. All sworn coworkers shall be issued the Glock Model 22, .40 caliber semi-automatic handgun with magazines, holster and magazine holders.
- B. Coworkers shall not consume or knowingly have in their body any quantity of alcohol, unlawful controlled substance, or other intoxicating substance while carrying:
 1. Any firearm issued by the Concord Police Department;
 2. A backup firearm in an on-duty or law enforcement secondary employment capacity;
 3. Any firearm in a concealed manner outside of property owned by the officer.
- C. Coworkers are prohibited from possessing a firearm while subject to a 50B order or other domestic violence restraining order that forbids the possession of firearms. In the event that the court order allows the officer to possess a firearm for official use, the officer shall comply with the dictates of the order and shall only possess firearms issued by the department while on duty. Coworkers shall not carry backup firearms on duty while under such a court order.
- D. No modifications or alterations to factory specifications shall be made to any firearm issued by the department without the consent of the Chief of Police or designee.
- E. Only authorized holsters shall be utilized by coworkers to carry their department-issued firearm while on duty.

- F. While off duty, all department issued firearms and back-up firearms shall be stored in a manner where the firearm is not accessible to a minor in accordance to N.C.G.S. § 14-315.1.
- G. Coworkers assigned to Major Crimes, Forensics & Property Control and Vice & Narcotics, or are the rank of captain or higher may request to carry a personally owned Glock Model 27, .40 caliber semi-automatic handgun in lieu of the department issued Glock Model 22 handgun.
 - 1. Prior to carrying a Glock Model 27, the requesting coworker shall submit Form FR-1 "Request to Carry" and receive approval.
 - 2. Coworkers shall carry the department issued Glock Model 22 handgun when dressed in Class A or B uniform or as otherwise directed by the Chief of Police.
 - 3. Glock Model 27 qualification requirements shall be in accordance with 03.10.5(A) of this general order.

03.10.3 OFF DUTY POSSESSION OF FIREARMS

- A. Coworkers are not required to carry a firearm while off duty but may do so at their discretion.
- B. Coworkers may possess and carry concealed either their service firearm or authorized personal firearm, while off duty within the geographical boundaries of the State of North Carolina, provided that carrying of such firearm conforms to the provisions set forth in this order and in accordance with state law.

Coworkers while off duty outside of North Carolina may possess or carry, concealed or otherwise, their service firearm or authorized personal firearm in accordance with the law of the jurisdiction where they are present.

- C. Coworkers who elect to carry their service firearm, or authorized personal firearm, while off duty shall be required to have in their possession their valid Concord Police Department identification.
- D. No coworker, while off duty, shall possess and carry a **department issued** firearm in such a manner as to attract attention or be in open view of the public.

03.10.4 BACK-UP FIREARM

- A. All sworn coworkers may carry a single backup firearm while in uniform, on duty, or while engaged in law enforcement secondary employment. Backup firearms must be concealed when carried by an officer.
- B. A backup firearm shall only be a caliber ranging from .380 to .45 and can reasonably be carried and easily concealable.
- C. A sworn coworker may only carry a backup firearm that they have successfully qualified with and upon approval of the Chief of Police (Form FR-1).

- D. A backup firearm may be carried in addition to, but not in lieu of, the coworker's department-issued firearm.

03.10.5 WEAPON-MOUNTED FLASHLIGHT

- A. The weapon-mounted tactical flashlight is a task-specific tool that enhances an officer's ability to identify and engage a target. When used properly, a weapon-mounted flashlight offers an advantage in threat identification, mobility, and visual impairment. Proper uses of a weapon-mounted flashlight when mounted to a weapon include, but are not limited to:

1. High-risk building or open area searches;
2. High-risk vehicle stops;
3. High risk apprehensions;
4. Any high-risk situation that would require a drawn weapon and flashlight.

- B. Coworkers shall only utilize a Streamlight TLR-1 series weapon-mounted flashlight.

- C. When mounted to a weapon, the weapon-mounted flashlight is considered to be part of the weapon system and a secondary light. A weapon-mounted light does not replace the need for a primary flashlight.

NOTE: A weapon-mounted flashlight shall not be handled, mounted onto a weapon, or detached from a weapon while the weapon is loaded.

- D. Coworkers authorized to utilize a weapon-mounted flashlight are responsible for all costs to include purchase, batteries, bulbs and duty holster.

1. Holsters must be department approved and designed to hold the coworker's Glock Model 22 handgun with the weapon-mounted flashlight attached.

NOTE: While on duty, the weapon-mounted flashlight shall be attached to the coworker's handgun at all times.

- E. Prior to utilizing a weapon-mounted flashlight, coworkers shall attend and successfully complete the department authorized training on application and use of the flashlight developed by department firearms instructors. Coworkers shall also successfully complete the night time qualification course with a score no lower than 80%. SWAT personnel and firearms instructors must achieve a minimum score of 92%.

03.10.6 FIREARMS QUALIFICATION

Each coworker who carries or uses a firearm on official business must be certified at least annually by meeting the firearms standards as outlined in this general order. The firearms standards set by this Department shall not be less than the standards set by North Carolina Criminal Justice Standards Commission for law enforcement officers. Coworkers are responsible for maintaining their firearms proficiency.

A. HANDGUN

1. All coworkers shall be required to qualify annually with their service firearms during in-service training.
2. Each officer must qualify with the firearm that has been issued to him/her by the Department.
3. Handgun qualification scoring requirements are:
 - a. Daytime qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%;
 - b. Night time qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%.
4. Coworkers are restricted to a maximum of three (3) attempts in any one calendar day to qualify.
5. Upon initial failure to qualify, the coworker's firearm shall be taken by the firearms instructor and the coworker relieved of police duties until they receive special instructions from a firearms instructor and he/she qualifies. The coworker must qualify within ten (10) days of the date on which he/she failed.

B. SHOTGUN

1. Only coworkers that have qualified with the shotgun may carry or use the shotgun in a law enforcement capacity.
2. Shotgun qualification scoring requirements are:
 - a. Daytime qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%;
 - b. Night time qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%.
3. Coworkers are restricted to a maximum of three (3) attempts in any one calendar day to qualify.
4. Upon initial failure to qualify, the coworker's access to a shotgun while on duty shall be restricted until they successfully qualify.

C. OFF DUTY / BACK UP FIREARMS QUALIFICATION

1. Qualification with personal firearms shall be on an annual basis as scheduled by the department's firearms instructors. Coworkers shall be responsible for ensuring that they maintain a current qualification status for each personal firearm.
2. Ammunition and holster for qualifying with a personal firearm shall be provided by the individual coworker and is subject to a safety inspection by the department firearms instructor administering qualifications.
3. The course of fire for qualifying with a personal firearm shall be the same as currently required for a service firearm of the same or similar type.
4. Backup firearms qualification scoring requirements are:
 - a. Daytime qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%;
 - b. Night time qualification requires a score of 80%. SWAT personnel and firearms instructors must achieve a score of 92%.
5. Off Duty firearms qualification scoring requirements are:
 - a. Daytime qualification requires a score of 80%. Firearms instructors must achieve a score of 92%;
 - b. Night time qualification requires a score of 80%. Firearms instructors must achieve a score of 92%.
6. A coworker failing to qualify with a personal firearm shall be given the opportunity for future attempts at the discretion of the Department's lead firearms instructor.

03.10.7 PATROL RIFLE PROGRAM

Recognizing that officers are not always equipped to safely address threats from persons wearing body armor and/or who are at distances beyond the effective range of standard issue service firearms and shotguns, the Patrol Rifle Program has been implemented to address such threats and enhance police officer and public safety. This will enable a distinct tactical advantage to the officers in providing containment of a particular situation, while still remaining at a distance which is safe and prudent.

The program is designed to regulate the use of the rifle, train officers and provide the Department with an additional tool to enhance officer and public safety, while not becoming an organizational unit.

A. REQUIREMENTS

1. The coworker must have two years of law enforcement experience and one year of service with the Concord Police Department or a sworn full-time officer, or road deputy, for another agency.
2. The coworker's personnel file must reflect achieves, exceeds or outstanding on the performance review evaluations covering the period of one year prior to the date of the request.
3. The coworker must satisfactorily complete the Department's patrol rifle operator's course.
4. The coworker must demonstrate excellent firearms proficiency with the patrol rifle and must meet the requirements of the qualification courses of fire for both day and night time with a consistent score of 92% and greater.
5. The coworker may attach one optic device to the patrol rifle, in addition to the iron sights. These can include a scope, holographic optic, red dot optic, or another similar type optic. The coworker must demonstrate excellent firearms proficiency with the patrol rifle with the optic and must meet the requirements of the qualification course of fire for daytime only with a consistent score of 92% or greater.
6. A coworker's privilege to carry a patrol rifle may be revoked for:
 - a. A substantiated unsafe act with the firearm either while in the field or in a training environment;
 - b. Failure to meet the qualification requirements of 92% or greater;
 - c. Receiving an overall rating of Needs Improvement or lower on a performance review evaluation;
 - d. For any serious disciplinary action, resulting in 36.6 hours or more of suspension from duty;

NOTE: After a twelve month period, the coworker may submit a request to the Chief of Police to resume carrying a patrol rifle. The coworker shall be required to meet all eligibility requirements within this general order.

7. Upon completion of the patrol rifle operator's course, the coworker shall be given a Patrol Rifle Pin. The pin may be worn on a coworker's Class A or Class B uniform to assist any supervisor in determining which coworkers have patrol rifle qualifications.



B. RIFLE REQUIREMENTS

1. All rifles shall be semi-automatic, not capable of firing fully automatic and manufactured in 5.56 mm (.223 caliber), in the AR15 style platform. All patrol rifles are required to have hard iron type sights and the capability to have a sling attached for tactical reasons.
2. While carried on duty, the patrol rifle shall be loaded only with departmental approved and issued ammunition.

C. RIFLE DEPLOYMENT

1. The patrol rifle will be secured in the trunk of the police vehicle or in the provided locking rifle rack unless deployed for use by the officer. When securing the firearm at a place of residence, the coworker shall do so in accordance with N.C.G.S. § 14-315.1.
2. In instances where the handgun or shotgun would be ineffective due to the distance of the shot and/or the safety of the public, the coworker may deploy the patrol rifle, given that he/she has articulable exigent circumstances, without the approval of a supervisor.
3. The coworker shall consider their range of abilities and training at all times when considering deployment of a patrol rifle.
4. Once the patrol rifle is deployed, the use or continued use of the patrol rifle is to be evaluated by any supervisor on scene.
5. Upon deployment of a patrol rifle, coworkers shall follow the guidelines set forth in general order 05.04 Use of Force.

D. DEPARTMENT ISSUE PATROL RIFLE

1. Only coworkers that have qualified with the patrol rifle may carry or use the patrol rifle in a law enforcement capacity.
2. Patrol rifle qualification scoring requirements are:
 - a. Daytime qualification requires a score of 92%;
 - b. Night time qualification requires a score of 92%.
3. Coworkers are restricted to a maximum of three (3) attempts in any one calendar day to qualify.
4. Upon initial failure to qualify, the coworker's access to a patrol rifle shall be restricted until they successfully qualify.

03.10.8 ACCIDENTAL DISCHARGE

- A. If a coworker accidentally discharges his/her firearm, regardless of duty status, verbal notification shall be made as soon as practicable to the watch commander. The watch commander shall respond and take the officer's and witness statements if applicable.

If discharge occurs during training, the senior firearms instructor present at the time of the incident shall document the incident and forward to the coworker's bureau commander.

- B. All firearms involved in accidental discharges shall be examined by the appropriate department armorer for functionality.
- C. A report shall be completed and forwarded to the coworker's bureau commander for administrative review. Based on the results of the investigation, the discharge of the firearm shall be identified as:

1. Accidental Discharge during Enforcement Action

This type of action could be construed by the suspect(s) or the public as utilization of force, investigation, and reporting shall be in compliance with general order 05.04 Use of Force.

2. Mechanical Discharge

Caused by the malfunction of the firearm or ammunition. It could also be caused by a physical event that could not be prevented or foreseen by the user.

3. Failure to Follow Safety Protocol

Failure to follow safety or operational protocols.

4. Negligent Discharge

Discharge related to "horseplay with the firearm," unauthorized pointing and presenting or other act demonstrating a degree of recklessness or negligence.

5. Training Discharge

When a firearm is accidentally discharged during training, and there are no resulting injuries.

- D. If an accidental discharge occurs within the City of Concord and injury or death results, the investigation shall be handled by N.C. State Bureau of Investigation. Should the incident occur outside the City of Concord, the involved coworker shall immediately notify the law enforcement agency having jurisdiction.



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CHIEF OF POLICE