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I. PURPOSE


To establish guidelines governing all weapons and ammunition used by police officers while on-duty and off-duty

II. POLICY

Weapons will only be issued only to sworn law enforcement officers authorized under North Carolina General Statutes, §160A-281 and §160A-285 to carry specific weapons as a condition of their duties. Only weapons and ammunition authorized by the Department will be used by personnel in carrying out law enforcement responsibilities. Proficiency levels will be established and enforced for each approved weapon.

III. DEFINITIONS

- A. Armorer: A departmentally authorized individual who is trained and experienced in the disassembly and assembly of firearms for troubleshooting functional firearms problems.
- B. Backup Weapon/Secondary Weapon: Any weapon carried in support of the primary weapon. This weapon would be used in a situation that their primary weapon is not capable of being used due to mechanical failure or other catastrophic occurrence.
- C. Decision Making Training: Training that requires officers to act in a tactically sound manner as well as lawful and within departmental policy. This may be accomplished through cover concealment assessment, threat level assessment, target identification, managing multiple targets/threats, shot placement, and communications.
- D. Firearms Instructor: A sworn officer of the department who is currently certified by the North Carolina Criminal Justice Education and Standards Commission as a Specialized Instructor in firearms.
- E. Primary Weapon: The firearm authorized by the Chief of Police and issued by the department for on duty use.
- F. Range Officer: A Firearms Instructor in charge of the firing range for a specific range training date or exercise. Regardless of rank held, the designated range officer is in charge of all departmental personnel while on the range.
- G. Stress Course: A training exercise that induces varying levels of stress (physical and psychological) that may be encountered in actual confrontations.

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IV. ISSUED SERVICE WEAPONS

A. No officers will deviate from the primary weapon assignment without the express authorization of the Chief of Police or his designee. The current service weapons for the Gastonia Police department include:

1. Glock 26 9mm
2. Glock 45 9mm

B. The department issued shotguns for the Gastonia Police Department are the:

1. Remington Model 870 12 gauge


V. ISSUED SPECIALTY WEAPONS

The Gastonia Police Department will issue certain specialty weapons to designated units, teams, or individuals. Each weapon must be departmentally approved and issued. These weapons include, but are not limited to the following.

1. Barrett Firearms Model 99 .50 Cal
2. Sig Sauer .223 M4
3. Daniel Defense .223 M4
4. Remington Model 700 .308
5. H&K MP5 9mm
6. Ruger Model 77 .308

VI. ISSUED LESS LETHAL WEAPONS


The Gastonia Police Department will issue less lethal weapons to departmental personnel. The less lethal weapons provided to departmental personnel require specialized training. During initial training, department personnel will receive instruction on Use of Force policy as well as on the policy addressing the less lethal weapon. Each weapon must be departmentally approved and issued. These weapons include, but are not limited to the following:

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1. Asp Baton
2. OC Spray
3. TASER X26 (*recertification will occur annually and training on Use of Force and TASER Policy will be included.*)
4. Remington/Benelli Shotgun
5. 37mm, 40mm Launcher
6. PepperBall Gun

VII. TRAINING AND QUALIFICATION

- A. During annual training and qualification of departmentally issued service weapons, shotgun and any other assigned weapon, all officers will be trained on the following policies:
 1. Weapons
 2. Use of Force Continuum
 3. Use of Deadly Force
 4. Use of Non-Deadly Force
- B. All officers must sign off on policy in the E-Signature System before being issued any weapons.
- C. All officers are required to train and qualify annually with their departmental issued service weapon, shotgun and any other assigned or accessible weapons. Officers who declare to carry weapons concealed off duty or as a secondary backup weapon as allowed under this policy are required to train and qualify annually with each weapon. This training and qualification will meet or exceed the standards that are established by the North Carolina Criminal Justice Education and Training Standards Commission.
- D. The Gastonia Police qualification score is established at 80% on all service weapons including shotgun. Officer's not assigned individual shotguns are required to qualify with a range weapon to demonstrate proficiency or receive departmental exemption.
- E. Officers assigned to the SWAT Team and Shift Tactical Team is required to qualify at a score of 95% and 90%, respectively, with all weapon systems. Backup or secondary


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weapons and/or personal weapons carried concealed off duty under this policy require officers to qualify at 70%. Snipers are required to score 100% with their scope weapon. Officers may be required to demonstrate proficiency in other training such as combat/stress courses, decision making training, and other related training exercises. Scoring methods for these type courses are pass/fail.

- F. Officers assigned to SWAT and Shift Tactical Teams who have a rifle and or scope weapon assigned to them are not required to be issued and qualify annually with a shotgun. If requested, a shotgun may be issued to them, but the officer must then qualify annually.
- G. State Certified Firearms Instructors will conduct the training and qualifications. The training will include at minimum a review of range rules, safe weapon handling and malfunctions, use of force and relevant case law, and basic marksmanship fundamentals.
- H. The Firearms Range Staff will develop courses of fire for qualification purposes, consistent with departmental policy and commensurate with the type of weapon to be carried by each officer. The Range Master will certify that the course has been satisfactorily completed and the required state and departmental forms have been sent to the Training Division.
- I. Officers are allowed three consecutive attempts in a single range day to qualify with their service weapon, shotgun, or other issued weapons.
- J. An officer will be given three attempts to qualify. If an officer fails to qualify on the first or second attempt, and is not able to continue the qualification process or if the officer fails to qualify on his third attempt, the officer will be deemed to have failed qualification.

VIII. FAILURE TO QUALIFY AT 80%

- A. If an officer fails to meet qualification standards at 80%, the officer's authority to carry the firearm will be immediately revoked by the Range Master. The Range Master will deliver written notification of the revocation on a form approved by the North Carolina Criminal Justice Education and Training Standards Commission. The officer must sign the form in acknowledgement of the revocation.
- B. The Range Master will advise the officer that he/she cannot carry a firearm under law enforcement authority and that he/she forfeits the right to carry an off-duty personally owned firearm without a valid North Carolina Concealed Carry Permit. Officers who have a permit to carry a concealed firearm may continue to do so, but may not display their badge or in any way imply that they are operating under the authority of the Department in the use of this firearm.
- C. The revocation of authority to carry a firearm will require the officer to notify his/her immediate supervisor within 24 hours of the failure to qualify. The Range Master will

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forward the revocation form through the chain of command to the Chief of Police as soon as possible.

- D. Officers whose authority to carry an on-duty firearm has been revoked may be reassigned to administrative duty for a maximum period of 30 days or other non duty status as directed by the Chief of Police or his designee. Within the 30 days, the officer must report to the Firearms Training Coordinator for remedial training and certification. Officers that successfully re-qualify will be required to attend. At the conclusion of the 30-day period and/or before December 31 of each year, an officer that has not met these standards will be subject to disciplinary action.

IX. QUALIFICATION SCORES AT LESS THAN 90%

Officers not qualifying at or above 90% are allowed up to two additional attempts on the range day to achieve the 90% level. Officers that are unable to demonstrate a 90% level of proficiency are required to attend additional skills training. This training will be designed and approved by the training division of the department. This training shall be a minimum of 8 hours additional training within a period not to exceed 12 months. Officers that have met the 80% level are deemed to be qualified and these additional attempts to reach 90% are considered as training exercises.

X. FAILURE TO QUALIFY WITH SHOTGUNS OR SPECIALTY WEAPONS OR AT HIGHER ESTABLISHED STANDARDS


Officers that fail to qualify at the standard for their shotgun or particular specialty weapon system will be permitted to remain on full duty status only if they have met the standards with their service weapon. Officer's access to these weapons will be restricted until such time that they have successfully qualified. Officers assigned to units requiring higher qualification standards and that do not meet that standard are placed on non-operational status until such time that they have met the unit standard.

XI. AMMUNITION

Ammunition carried in the departmental weapons will be of the type and specification approved and issued for departmental use. Officers shall qualify with the ammunition consistent with the N.C. Training and Standards Commission.

XII. LEATHER GEAR, HOLSTERS

Officers will be issued a departmental holster, belt, and magazine pouches that are designed for the service weapon and to provide standardization of equipment. Officers, while in uniform, are required to wear their departmental holster or other level II or greater holster that has met approval of the department. Plainclothes officers are required to wear their departmental or other approved gear. Approval will be at the discretion of the chief or his designee.

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XIII. STORAGE AND HANDLING


- A. Officers will safeguard their weapons to prevent theft or unauthorized use, when at their residence. Officers should adhere to North Carolina General Statute §14-315.1 Storage of firearms to protect minors.
- B. Shotguns shall remain secured in a properly installed shotgun rack when not in use. Vehicles not equipped with shotgun mounts should carry the shotgun in the trunk in a gun case. The shotgun should be carried in a cruiser safe position (chamber empty, safety on, slide locked and magazine loaded) until such time that the shotgun is needed.
- C. Officer's assigned rifles should store these weapons in the trunk in the proper mounting systems for security of the weapon.
- D. Weapons shall not be left in vehicles while parked at the city garage, radio shop, or other locations where unauthorized persons have access to the vehicle. It is the responsibility of the officer assigned to the vehicle to remove and secure the weapon at the station, in their department-assigned locker or in the department armory, prior to leaving the vehicle for repair or maintenance.

XIII. CARRYING OF FIREARMS

- A. Uniformed officers will carry their service weapon in a manner consistent with their approved equipment and their training. Plainclothes officers are required to carry their weapon in a manner that does not unduly alarm the public and, if visible, should openly display their police badge.
- B. Sworn personnel, including reserves, are prohibited from carrying a service weapon at any time while under suspension or when deemed necessary as the result of restricted/light duty due to their inability to perform the essential duties of their position or when they have failed to meet training standards.

XIV. MAINTENANCE OF WEAPONS

- A. Officers are required to maintain all issued weapons. The weapons should be cleaned after each use and before being placed back into service. Officers should inspect weapons on a regular basis and perform routine maintenance as needed. Any weapon that needs repair should be reported to the officer's supervisor and forwarded to a departmental armorer.
- B. Officers shall not perform any repairs on departmental weapons. Any modifications or additions; such as grips, stocks, light attachments, etc. to any weapons, require approval

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and inspection of the departmental armorer. Officers shall not make modifications to issued holster or leather equipment.

XV. INSPECTIONS

Officers should conduct a daily inspection of their ammunition and weapons prior to carrying, to ensure proper safety and maintenance of their weapon. A departmental level inspection shall be conducted by a qualified weapons instructor or armorer during the annual qualification. The inspection shall consist of a visual inspection of the weapons during the cycle of operation, a visual inspection during the cleaning process, and a function check of the weapon after reassemble of the cleaned weapon. This will ensure operational effectiveness of the weapon. Any weapon that does not meet optimum performance will be immediately brought to the department armorer's attention and fixed or removed from circulation.

XVI. BACKUP/SECONDARY WEAPONS

- A. A secondary/ backup weapon allows an additional level of safety for officers. It is of critical importance that guidelines be established so that officers can properly deploy these weapons in an effective and safe manner. It is the responsibility of each officer that elects to carry a secondary or backup firearm to follow these guidelines. Officers should meet all department and state guidelines as outlined by the NC Training and Standards Commission.
- B. Officers of the Gastonia Police Department are permitted to carry one approved secondary/backup firearm. Officers should submit a Declaration to Carry Form, F-1000-08, outlining the weapon type and ammunition. The request will be submitted to the Range Master for approval. Any disapproved request can be appealed to the Chief of Police.
- C. Weapons should be of a quality and type used for law enforcement and the ammunition should be commercially manufactured and commonly accepted as a duty type round.
- D. The officer's weapon is subject to inspection by departmental supervision and training staff. The officer will properly maintain the weapon(s). Any weapon that is in unacceptable working condition is prohibited from being used under this policy.
- E. Officers are prohibited from carrying any weapons of less than a .32 caliber and/or weapons that are single action only and/or require the de-cocking by use or manipulation of the trigger without the approval of the firearms staff and the Chief of Police.
- F. Officers in specialized units, where the use of their department weapon may not be feasible, are permitted, with approval of chief of police or his designee, to use a secondary weapon for purposes of concealment on special assignments as a primary weapon.
- G. Weapons carried under this order should not be carried in a conspicuous fashion or in a manner visible to the public. Because carry systems designed for concealed carry may not

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be as secure as the department's duty holster, officers will remain vigilant to ensure the safety and security of this weapon and at no time shall carry the weapon in a manner that places the officer, or public, at undue risk.

- H. Any weapon discharged in the line of duty is subject to the same guidelines as required for a departmental issued weapon.


XVII. OFF-DUTY CONCEALED CARRY

Chapter 44 of Title 18 United States Code and N.C. General Statute 14-269 exempt qualified law enforcement officers from states prohibiting the carrying of concealed weapons. N.C. General Statute 14-269 sets forth the guidelines for officers to carry weapons concealed under state law.

- A. A qualified law enforcement officer is an employee of a government agency who:
1. 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;
 2. Is authorized by the agency to carry a firearm.
 3. Is not the subject of any disciplinary action by the agency.
 4. Meets standards established by the agency, which requires the employee to regularly qualify in the use of a firearm.
 5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 6. Is not prohibited by Federal Law from receiving a firearm.
- B. A firearm *does not* include:
1. Any machine gun (as defined in section 5845 of the National Firearms Act)
 2. Any firearm silencer (as defined in Title 18 USC section 921)
 3. Any destructive device silencer (as defined in Title 18 USC section 921)
- C. This policy allows officers to carry a concealed handgun off-duty in the State of North Carolina under 14-269 and any other state as allowed under Chapter 44 of Title 18 United States Code.

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- D. All qualified law enforcement officers are required to have in their possession a photo identification issued by the department, when armed carrying a concealed weapon.
- E. This policy shall not be construed to supersede or limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibits or restrict the possession of firearms on any state or local government property, installation, building, base, or park.
- F. Officers are not permitted to carry any concealed firearm while the officer is consuming alcohol, while the officer is under the influence of alcoholic beverages, or while the officer is under the influence of any impairing substances or drugs, legal or illegal, that affect normal perception and judgmental faculties.
- G. An officer is not authorized by this policy to carry any weapon, whether open or concealed, around a party for which the officer is restricted under a 50B domestic violence order or any other restraining order.
- H. An officer may not carry a concealed weapon or any departmentally issued weapon, openly or concealed, if the officer is under suspension from duty.
- I. Officers are only allowed to carry their weapon concealed, or possess such weapon on properties, that they are duly authorized to possess such weapons. Officers are permitted under North Carolina General Statutes to carry weapons concealed under 14-269, 14-269.4, 14-277.2 and 14-269.2. Any private person or entity, state/local government or federal facility can restrict such officers from possessing or carrying concealed weapons on their properties under 18 USC 926a. It is the individual officer's responsibility to obtain verification of any such restrictions.
- J. Officers shall comply with all federal restrictions concerning transporting and possessing weapons on a federally regulated aircraft or other commercial transportation. Officers should only carry concealed weapons on federal property as allowed under 18 USC 930 and other properties as authorized by law.
- K. An off-duty officer, who is outside the territorial arrest jurisdiction of this department cannot use any force, deadly or non-deadly, or take any action to enforce the criminal law, or prevent a crime from occurring, unless a private citizen is authorized by state law to do so. The burden is on the officer to know, and comply, with laws governing the possession and use of a deadly weapon by a private citizen.
- L. Officers must disclose to any law enforcement officer upon approaching them that they are carrying a concealed weapon and show proper identification upon request.

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- M. This policy does not restrict officers, who are in possession of a Concealed Weapons Permit issued under NC General Statute, to carry weapons within the scope of that law.
- N. Officers are required to train and qualify annually with the weapons to be carried under this policy. Officers are required to submit the Declaration to Carry Form, F-1000-08, for approval to the Administrative Division. Officers will be permitted to qualify with no more than two personally owned firearms without prior approval from the Chief of Police or his designee. This training will be consistent with those set forth by the NC Criminal Justice Education and Training Standards Commission and those established by our department.
- O. Officers are responsible for the safety and security of these weapon(s). These weapon(s), either departmentally issued or personally owned, should be carried in an inconspicuous manner and in a way that does not pose undue risk to the public.


XVIII. LIABILITY FOR USE OF WEAPON BEYOND TERRITORIAL JURISDICTION

Officers who choose to carry a concealed weapon outside their territorial jurisdiction, pursuant to a State Permit or Departmental authority, have no more authority than another citizen and can use no more force than a private citizen can use. Officers who carry a concealed weapon do so at their own risk. The City of Gastonia will not represent officers sued for actions arising out of incidents that may occur off-duty outside the officer's territorial jurisdiction.

XIX. RETIRED OFFICERS QUALIFICATION FOR CONCEALED CARRY

Chapter 44 of USC title 18 Section 926C allows qualified retired law enforcement to carry weapons concealed in states prohibiting the carrying of concealed weapons.

- A. A qualified retired officer is as an individual that:
 - 1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability.
 - 2. Before such retirement, was 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 had statutory powers of arrest.
 - 3. Before such retirement was regularly employed as a law enforcement officer for an aggregate of 15 years or more.
 - 4. Retired from service with such agency, after completing any applicable probationary period of such service, due to a service connected disability, as determined by the agency.


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5. Has a no forfeitable right to benefits under the retirement plan of such agency.
6. During the most recent 12 month period, has met, at the expense of the individual, the state standards for training and qualification for active law enforcement officers to carry firearms.
7. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
8. Is not prohibited from by Federal Law from receiving a firearm.

B. Firearm conceal carry requirements for retired officers:

1. Each retired officer will be informed verbally and in writing of departmental weapon requirements and standards.
2. The department will issue a photo identification card and an annual certification that indicates the retired officer has met the required standards.
3. Retired Law Enforcement Officers cannot use force, deadly or non-deadly, or take any action to enforce the criminal law, or prevent a crime from occurring, unless a private citizen is authorized by state law to do so. The burden is on the individual to know and comply with laws governing the possession and use of a deadly weapon by a private citizen. Retired officers who carry a concealed weapon do so at their own risk. The City of Gastonia will not represent retired officers sued for actions arising out of any incidents, which occur, whether in or outside the territorial jurisdiction of the City of Gastonia.
4. The GPD requires an annual criminal background check be conducted through Administrative office of the Courts (AOC), National Crime Information Center (NCIC) or other departmentally approved resources. Any retired officer qualified under these guidelines is required to immediately notify the Chief of Police, upon their arrest and/or being served with a criminal/civil process. The GPD reserves the right to not qualify any retired officer and the right to revoke the individual's certification at any time.
5. The GPD will only qualify officers retired from the Gastonia Police Department. These officers will be allowed to qualify with no more than two weapons and are required to pay for the expenses related to their qualification.

XXI. FIREARMS TRAINING RECORDS

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- A. The training unit of the department will maintain training and qualification records. Forms required by the NC Training and Standards commission and all documentation of the weapons used by each officer will be maintained in the officer's training and personnel file for review.
- B. The Training Unit will submit to the Chief of Police a list containing all officers that failed to qualify with their service weapon during the previous calendar year. This form must be submitted to the NC Justice Education Training and Standards Commission no later than January 15th of each year. The commission may issue a notice of suspension of certification to the listed officers and the officers employing agency.

XX. RECOGNITION OF OFFICERS QUALIFYING ABOVE 90%

Officers qualifying above 90% on their first attempt will be permitted to wear a pin on their uniform designating them at expert level.

XXI. REPORTING

- A. The following requires reporting to a supervisor immediately:
 - 1. Any officer that discharges a firearm, for other than training or recreational purposes;
 - 2. Takes action that results in, or is alleged to have resulted in, injury or death of another person;
- B. The Gastonia Police Department's Internal Investigations Bureau will conduct a documented annual analysis of any use of force annually and the report shall be provided to the Chief of Police for his review.
- C. The types and specification of ammunition approved for use, including ammunition used in specialized weapons for members of tactical team or other specialized personnel will be listed on master spread sheet prepared by the range master.