Kinston Police Department	POLICY: Use of Weapons						POLICY #: 800-4
	NCLEA Standards: 2.01; 2.02; 2.03; 5.04; 5.05; 9.04;						
	NCLM Standards: II.1; II.3; II.20;						Effective Date:
☐ New ☒ Revised	Revision Dates:	01/01/21	04/05/22	08/30/26			07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish guidelines for the issuance and use of departmental weapons.

II. DEFINITIONS

A. Armorer: An individual trained and experienced in the disassembly and assembly of firearms and troubleshooting functional firearms problems.

B. Deadly Weapons: Weapons through normal and intended use are likely to cause death or serious injury. This category includes all issued firearms.

C. Duty Weapon: Firearm issued by the department to an individual officer for his/her exclusive use.

D. Expandable Baton: A collapsible baton by various manufacturers.

E. Firearms Instructor: A sworn officer of the department who is currently certified by the North Carolina Criminal Justice Education and Training Standards Commission as a specific instructor for firearms.

F. Firearms Training Coordinator: A sworn officer of the department who is responsible for coordinating all aspects of firearms training for the department's sworn personnel.

G. Handgun: A firearm, with a short stock, designed to be held and fired with one hand.

H. Less-Lethal Weapons: Weapons that through normal and intended use will not cause death or serious physical injury. This category includes batons and OC Spray.

I. OC Spray: Aerosol spray based on the active natural ingredient oleoresin capsicum, a derivative of various species of cayenne pepper; a non-deadly weapon.

J. Off-Duty Weapon: Firearm carried by an officer while not on duty; may be the duty weapon or a personally-owned weapon that complies with departmental standards.

K. Positional Asphyxia: Occurs when an individual gets into a position where breathing or the blood supply to the brain is compromised.

L. Primary Weapon: The firearm authorized and issued by the department for on-duty use.

M. Range Officer: A firearms instructor who is in charge of the firing range for a specific training date. Regardless of the rank held, the designated range officer is in charge of all departmental personnel while on the range.

N. Soft Hands Technique: Touching or attempted touching by an officer such as applying moderate pressure to turn, guide, or escort a person being arrested.

O. Specialty Firearms: Includes rifles, shotguns and automatic weapons.

III. POLICY

A. The Kinston Police Department will issue weapons only to those employees legally authorized under North Carolina General Statutes to carry specific weapons as a condition of their duties. Weapons and tactics will be used in conformance with state law under strict departmental training and control. Proficiency levels will be established and enforced for each approved weapon. An officer's use of any firearm will be limited to situations involving the legitimate use of deadly force.

B. Officers shall follow all departmental guidelines and North Carolina General Statues (N.C.G.S.) when carrying weapons concealed.

1. Because carry systems designed for concealed weapons carry may not be as secure as the department's issued duty holster, officers will remain vigilant to ensure safety and security while carrying a concealed off-duty weapon. All weapons must be carried in a department-approved holster. The holster will be approved by the Chief of Police, or his/her designee.

2. Officers are encouraged, but not required, to carry a firearm while off duty within the department's jurisdiction. An officer who elects not to carry a firearm while off duty will not be subjected to disciplinary action following a situation in which police action could have been taken if he/she had been armed. The only exception is that off-duty officers are required to carry an approved weapon while operating a marked department vehicle.

3. Officers who have not completed the Field Training Program will not carry a department duty weapon off duty unless they possess a valid permit to carry concealed weapons under North Carolina State Statutes issued prior to their employment with the Kinston Police Department. Officers carrying off-duty weapons will comply with all applicable state laws and departmental directives concerning their use as if on duty.

C. Officers in plain clothes are encouraged to wear a jacket in order to hide their handgun from

public view. If an officer in plain clothes chooses not to wear a jacket, his/her badge must be displayed in a conspicuous manner. Officers working on a plain clothes assignment will carry their handgun on their person at all times while on duty or while operating any police vehicle. Officers working in plain clothes may be permitted to carry their handgun in an alternate fashion if approved by the department.

D. At no time will officers carry a firearm without also having in their possession their police identification and their North Carolina Driver's License, unless specifically approved by the department for security reasons of a particular assignment.

E. Specialty Weapons will be assigned to selected officers as issued duty equipment. Officers will keep their issued specialty weapons in a secure area in the patrol car while on duty. Unless carried in an approved mobile shotgun locking device, an officer's issued specialty weapon will remain in the trunk of the patrol car while the officer is on duty except when it is removed for cleaning or for active field use, or when the vehicle is left for repair or maintenance. The officer will maintain control of the specialty weapon at all times while it is in her/his possession. Any time the patrol car is left at a location for maintenance or repair, the specialty weapon will be removed from the vehicle and stored until the vehicle is returned to duty.

F. The officer will check the ammunition before loading the shotgun to determine if it is the correct gauge and in good condition. The officer will check the chamber for rounds at the vehicle and, if the shotgun is clear, will load the magazine before placement inside the vehicle's trunk.

1. While on duty, the officer will not have a round loaded in the chamber. A round will be chambered only if a need to fire quickly is anticipated and, if possible, outside of any dwelling or vehicle. The shotgun's safety will be on whenever a round is chambered.

2. The shotgun will be unloaded only at the magazine under the receiver by depressing the magazine lock. The shotgun will not be unloaded by chambering rounds and then ejecting them. The loading and unloading of the shotgun will occur outside the vehicle.

3. Individual officers will be responsible for cleaning the assigned service shotgun. Assigned shotguns will be cleaned on an "as needed" basis. Shift Captains also will ensure that all service weapons and shotguns are visually inspected and wiped down on a weekly basis. Shotguns will be inspected quarterly by department armorer personnel.

4. Each officer shall follow the guidelines listed below for the safe use of shotguns:

   a. Always treat a shotgun as if it is loaded even though there is a belief that it is not loaded.

b. Carry the shotgun with muzzle pointed at ground.

c. Never handle a shotgun by its muzzle end.

d. Even if the weapon is empty, keep the safety on.

e. Before the shotgun is loaded, check the safety to ensure that it is working properly.

f. When the shotgun is passed from one officer to another, ensure that the breech is open and the magazine is empty.

g. All shotgun malfunctions will be reported to a department armorer for repair.

G. All personnel shall utilize the triple-check method when clearing any firearm for inspection, maintenance, or field stripping.

a. The officer shall remove the magazine and place it on a stable surface.

b. The officer shall lock the slide to the rear, ensuring any chambered round is ejected. Any ejected round shall be placed on the same surface.

c. The officer shall conduct an initial visual and physical inspection of the chamber and magazine well to confirm the firearm is clear.

d. A second officer, positioned to the left or right of the clearing officer, shall conduct an independent visual and physical inspection to verify the firearm is clear.

e. A supervisor shall then conduct a final inspection to confirm the firearm is clear.

Only after all three inspections have been completed and the firearm has been confirmed clear shall it be considered safe for further handling, including field stripping or maintenance.

H. Any weapon determined to be unsafe, defective, damaged, or otherwise unserviceable shall be immediately removed from service.

a. An employee who discovers or suspects a defect, malfunction, damage, or other unsafe condition involving a weapon shall immediately discontinue use of the weapon and

notify a supervisor, department firearms instructor, or armorer.

b. An unsafe or unserviceable weapon shall not be carried or used in the performance of duty until it has been repaired or otherwise determined to be serviceable and has been inspected and approved by a qualified department firearms instructor or armorer.

c. When necessary, the department may issue an approved replacement weapon to the employee until the affected weapon is returned to service.

I. Employees are responsible for the safe and proper storage of all department-issued or department-authorized firearms in their possession. Firearms shall be secured in a manner that prevents unauthorized access, theft, loss, or accidental discharge.

a. Department-owned firearms that are not assigned to an individual employee shall be secured in locked weapons safes located within the department's locked equipment room. Access to the equipment room and weapons safes shall be limited to authorized personnel, including department armorers.

b. When an assigned firearm is not under the direct control of the employee, the employee shall ensure the firearm is secured in a manner that prevents access by unauthorized persons.

c. Firearms left in an unattended department vehicle shall be secured in a department-approved locking device, weapons rack, locked trunk, or other department-approved secure location.

d. Firearms shall not be routinely left or stored in an employee's personal vehicle without the express permission of the department. Any loss of department property resulting from employee negligence may become the responsibility of the employee, who may be required to reimburse the department for the replacement cost of lost or stolen property.

J. Officers will not be intoxicated or under the influence of alcoholic beverages or controlled substances, including prescription drugs and any others affecting their normal physical and mental capabilities, while carrying a firearm, either on duty or off duty. Officers will not consume any alcoholic beverage while carrying a firearm.

K. All officers will be trained and certified to use any firearm they will be responsible for carrying, including their duty weapon, secondary weapon, off-duty weapon, shotgun, sub-gun, sniper rifle, and any other weapon to be carried in a concealed manner while on or off duty. Certification

will include:

1. A review of officer's authority to use both deadly and non-deadly force.

2. Training on the legal, moral, and ethical aspects of the use of firearms.

3. Safety training in handling firearms, including range rules and malfunctions.

4. A review of nomenclature and basic fundamentals of marksmanship.

5. Demonstrated proficiency in the use of firearms.

6. Firearm certification will be required annually as mandated by North Carolina Criminal Justice Education and Training Standards Commission. During annual Firearms Training, prior to certification, both newly hired and previously certified officers will be issued copies of, and receive training on, departmental directives regarding deadly and non-deadly weapons and the use of force.

7. The Firearms Instructors will be responsible for developing courses of fire for qualification purposes, consistent with departmental directives and commensurate with the type of weapon to be carried by each individual officer. The Firearms Instructors will certify that an applicable course of fire has been satisfactorily completed.

8. Officers must demonstrate at least 80% accuracy, both day and night, with each weapon carried as a condition of their employment with the department.

9. The weapon and holster used during training and qualification will be the same type as that which is to be used by the individual officer.

   The ammunition must be duty ammunition or ballistic equivalent ammunition to be used by the individual officer. If the weapon, holster, or ammunition is altered in any way, the officer may be required to re-qualify. During qualification, the officer will carry the weapon exactly as it will be carried on duty or off duty.

   Clothing worn during training and qualification will be appropriate for the specific training and the duty assignment of the individual officer.

10. With the weapon unloaded, the officer will demonstrate to the Firearms Instructor his/her knowledge of the weapon's nomenclature, operation, and safety devices.

11. All department-issued, department-authorized, and personally owned weapons intended for use by an employee in the performance of official duties shall be reviewed, inspected, and approved by a qualified department firearms instructor or armorer prior to being carried or used in the performance of duty.

12. The inspection shall ensure that the weapon is safe, serviceable, appropriate for its intended use, and compliant with departmental requirements.

13. Approval of the weapon shall be documented and maintained by the department.

L. Firearms instructors will document day and night qualification with handguns for all officers (at least 80% accuracy). All officers issued a rifle must maintain a score of 80% or better with that weapon. For officers who fail to qualify with the duty weapon at 80%, the firearms instructor will adhere to the following:

1. Use personal observations of the officer on the range and target observations, offer immediate remedial training. Check the sights.

2. Offer a second attempt. If the officer fails to qualify on the second attempt, provide immediate remedial training using personal observations of the officer on the range and target observations.

3. Offer a third attempt. If the officer fails to qualify on the third attempt, take the officer's weapon.

4. Advise the officer that he/she cannot carry a weapon under law enforcement authority and that he/she forfeits the right to carry an off-duty, personally-owned weapon without a valid permit to carry weapons under North Carolina State Statutes, and then only under the same regulations imposed on a civilian.

5. Complete an F-9A In-Service Firearms Training and Qualification record, provide a copy to the officer, and forward to the appropriate Major, as soon as possible.

6. Schedule remedial training as soon as possible. A fourth attempt the same day is not a valid qualification.

7. Once the qualification process begins, all three attempts must be made in the same day unless existing circumstances cause the firearm instruction to discontinue shooting. In the event that an officer fails to qualify on one or two attempts and shooting is halted, the

officer will not be permitted to return to full duty until he or she has successfully completed qualification. The officer will be assigned to the Firearms Instructors for remedial training until successful completion of qualification.

M. All sworn law enforcement officers shall qualify annually with the shotgun. For officers who fail to qualify with the duty shotgun at 80%, the firearms instructor will adhere to the following:

1. Use personal observations of the officer on the range and target observations, offer immediate remedial training. Check the sights.

2. Offer a second attempt. If the officer fails to qualify on the second attempt, provide immediate remedial training using personal observations of the officer on the range and target observations.

3. Offer a third attempt. If the officer fails to qualify on the third attempt, complete a revocation form, provide a copy to the officer, and forward to the appropriate Major, as soon as possible. A remedial training will be scheduled as soon as possible.

N. Failure to meet certification standards will result in the revocation of an officer's authority to carry the weapon. The Firearms Instructors will deliver to the officer the written notification of the revocation on a form approved by the North Carolina Criminal Justice Education and Training Standards Commission (Form F-9A). The officer must sign the form in acknowledgment of the revocation. The Firearms Instructors will advise the officer that he/she cannot carry a weapon under law enforcement authority and that he/she forfeits the right to carry an off-duty personally-owned weapon without a valid permit to carry concealed weapons under North Carolina state statutes. Officers who have a permit to carry a concealed weapon 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 weapon.

1. The revocation of authority to carry a weapon will require the officer to notify his/her immediate supervisor within 24 hours of the failure to qualify. The Firearms Instructors will forward the revocation form (Form F-9A) to the appropriate Major, who will forward it to the Chief of Police.

2. Officers whose authority to carry an on-duty weapon has been revoked will be reassigned to administrative duty for a maximum of 30 days. Within the 30-day reassignment period, the officer must report to the Firearms Instructors for remedial training and certification.

3. If, after 30 days, the officer has failed to achieve certification, he/she will be terminated

for failing to maintain certification standards. In the case of physical or mental disability, the officer may become eligible for disability retirement.

O. Kinston Police Department Firearm & Ammunition List – April 2022

Weapon Type		
Make	**Model**	**Handgun/Rifle/Shotgun**
Glock	45	Handgun
Smith & Wesson	642-1	Handgun
Smith & Wesson	3000	Shotgun
Remington	870	Shotgun
Beretta	1201FP	Shotgun
BENELLI	M2	Shotgun
Colt	M4	Rifle
Colt	AR-15 A3	Rifle
Ruger	556	Rifle
ROSSI	623A	Rifle (Animal Control)
GA Precision	FBI HRY	Sniper Rifle (SWAT)
H&K	MP5	Sub Gun (SWAT)

Ammunition List		
Manufacture	**Caliber**	**Handgun/Rifle/Shotgun**
Speer Gold Dot	9mm 147g G2	Handgun - Duty
Speer Lawmen	9mm 147g TMJ	Handgun - Training
Speer Gold Dot	38 S&W 125g HP	Handgun - Duty
Federal	5.56 55g FMJ	Rifle
Federal	00 Buck	Shotgun
Federal	1oz. Slug	Shotgun
Federal	.308 168g BTHP	Rifle

P. Batons that are issued or approved by the department are authorized for use by officers who have been trained in their use. Batons may be used as non-deadly weapons to control violent or potentially violent suspects when an officer reasonably believes that the following conditions

exist:

1. Deadly force does not appear to be justifiable and/or necessary.

2. Attempts to subdue the suspect using the conventional tactics of verbalization, firm grip control, pain compliance holds, OC spray, CEW, control holds, and/or self-defense techniques have been, or will likely be, ineffective.

3. There is a reasonable expectation that it will be unsafe for the officer to approach to within arm contact range of the suspect.

Q. Prior to being issued a baton, officers must successfully complete an approved training class for that specific type of baton. Officers who fail to qualify are strictly prohibited from carrying and/or using a baton and will be provided with remedial training. All training received regarding the use of batons will be documented. Through training, officers are taught how to minimize the possibility of a suspect's injury or death while ensuring their own safety in the performance of their duties. It is the individual officer's decision which techniques to use in an attempt to gain control of a suspect in accordance with the training he/she has received. Intentional head blows are strictly prohibited in all situations except where deadly force is justified.

1. Officers will only carry and use ASP or Galls brand batons issued by the department. The use of all other blackjacks, sticks, clubs, etc. is strictly prohibited. Any use of batons that is in direct conflict with the manufacturer's instructions and/or the intended purpose and design is strictly prohibited. The issuance of various types of batons to officers of the department, as part of an evaluation process, does not constitute a violation of departmental directives.

R. Oleoresin Capsicum Spray (OC Spray) may be used as a non-deadly weapon by officers trained in its use. OC Spray may reduce the risk of injury to all persons involved in a confrontation and is appropriate for use before applying possible injurious force from impact weapons. Used in compliance with state law and departmental directives, OC Spray is authorized to affect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force. Only the OC Spray issued by the department manufactured by Galls or First Defense will be carried and used.

1. No employee of the department will carry OC Spray, while on duty, without having first successfully completed the required departmental training program. Remedial training will be provided in the event that an employee fails to successfully complete the initial training. OC Spray training will be conducted from a lesson plan approved by the appropriate Major, and will consist of both classroom and practical exercises. All sworn

employees of the department, as well as animal control personnel, will be trained in the use of OC Spray and will be issued OC Spray as a part of their uniform equipment.

2. Officers will not use OC Spray against a person who:

   a. submits peacefully to arrest and complies with lawful commands during a lawful arrest, or

   b. complies with lawful commands during a valid investigative stop, or stop for citation purposes, or while in custody or detention, or

   c. is expressing mere verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing the discharge of duty.

3. The decision to engage a suspect with OC Spray is left to the discretion of the individual officer. The officer must have a specific factual basis to believe that OC Spray is reasonably necessary, and must comply with state law and departmental directives.

   The officer must be prepared to testify in court to what happened to justify the use of OC Spray. OC Spray may be used on a person who refuses to submit peacefully to lawful arrest, or attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention, or custody. OC Spray may be used on a person who assaults an officer, or whose conduct reasonably appears to be an imminent threat to the safety of an officer or others, or who resists soft hands techniques, or flees from lawful arrest or custody. Verbal persuasion and warning are not required.

S. Kinston Police Department employees are responsible for the monitoring and post exposure care of all individuals who are sprayed with OC Spray as a result of their official actions, including persons who may have been exposed while the officer attempted to control another individual.

1. The monitoring of an individual sprayed with OC Spray begins immediately when the individual is placed under arrest or comes under the control of the officer. The officer will immediately instruct the person that he or she has been sprayed, to expect a burning sensation and mucus membrane irritation, and not to rub his or her eyes. The officer will stay with the person, paying careful attention to the following high-risk individuals:

   a. Infants, young children, or elderly persons who may have been indirectly exposed;

b. Persons with medical conditions such as heart or lung ailments, diabetes, or epilepsy;

c. Highly intoxicated persons;

d. Persons who are confused, violent, and/or agitated; or,

e. Persons who have experienced recent trauma.

2. Post-exposure care of a suspect under arrest will require that the suspect be transported to a safe location that provides the officer with control over the arrestee and a sufficient supply of water and towels. Only if there is little risk to the safety of the officer and the public, the officer will:

a. verbalize specific and distinct commands to get the person into a cuffing position;

b. explain to the person what is being done;

c. tell the person that, upon compliance, assistance will be provided to relieve the pain;

d. follow the proper procedure for approaching any potentially dangerous suspect; handcuff, then search;

e. remove the person from the spray area and instruct the person to blow his/her nose to remove lodged particles;

f. flush the eyes and skin with water; and,

g. seek professional medical attention if needed.

T. As soon as practical and safe following the use of OC Spray, the officer will notify his/her immediate supervisor and request any additional assistance needed. The officer will follow reporting procedures in accordance with departmental directives regarding the use of force. All Use of Force reports generated as a result of the use of OC Spray will be reviewed by the Professional Standards Section.

U. Officers may use OC Spray to control attacking dogs and other animals. Attack dogs, in most instances, are effectively subdued with a short burst to the eyes, nose, and mouth. Officers should get out of the way of the animal after spraying. After an animal is sprayed with OC

Spray, the officer should notify an animal control officer and attempt to capture the animal if it is running at large. The animal's owner should be contacted, if possible. The owner may wish to decontaminate the animal by flushing thoroughly with water. Animals should return to normal within approximately 45 minutes to one hour.

V. Officers will maintain their issued OC Spray in an appropriate manner. The OC Spray may be worn on the officer's belt in a position of his/her choice. Officers should not store OC Spray inside a vehicle in the glove compartment or other areas subject to high temperatures. Temperatures of 120 degree Fahrenheit and higher will cause the canister to burst. When off duty, officers are responsible for the safe storage and handling of their issued OC Spray. It is imperative that officers keep OC Spray away from children and others not trained in its safe use.

W. All Kinston Police Department Personnel shall review this Policy & Procedure annually and provide documentation to the KPD Training Division.