

# MONTPELIER POLICE DEPARTMENT

<b>FIREARMS, AMMUNITION, ACCESSORIES AND QUALIFICATIONS</b>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes:	
CALEA Standard:	
Date Implemented: 5/24/2021	Review Date: 5/24/2022

- I. **Purpose:** The purpose of this policy is to establish procedures governing the possession of authorized firearms carried by sworn law enforcement officers in the Montpelier Police Department (MPD), and to ensure officers are properly trained in the use and carrying of firearms.
- II. **Policy:** Sworn law enforcement officers are required to carry firearms in the performance of their official duties and are also authorized to carry open and concealed firearms while on or off-duty. MPD officers shall be properly trained and proficient in the use of firearms. The department requires that all officers periodically qualify and demonstrate competent ability in the use of firearms in accordance with the qualification standards set by the Vermont Criminal Justice Council (VCJC). This regulation is not intended to require officers to carry firearms when they are not expected to perform law enforcement duties. Civilian personnel may not carry any firearm while on duty.
- III. **Definitions:**
  - A. **Armorer:** A department member qualified by a firearm manufacturer to conduct maintenance, inspection and repair for a particular firearm.
  - B. **Firearm (Weapon):** Any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
  - C. **Full Automatic Firearm:** Any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which only requires one pull of the trigger to continue to load and fire ammunition cartridges until the trigger is released, the ammunition is gone, or the firearm is jammed.

- D. Pistol (Handgun):** A firearm originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand and having a chamber(s) as an integral part(s) of, or permanently aligned with the bore(s); and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).
- E. Rifle:** A firearm designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only in a single projectile through a rifled bore for each single pull of the trigger.
- F. Semiautomatic Firearm:** Any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger for each ammunition cartridge.
- G. Shotgun:** A firearm designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
- H. Submachine Gun:** A firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger. Submachine guns fire pistol ammunition, and may be fired in one hand, from the shoulder or from the hip.

#### **IV. Procedures:**

- A.** Only firearms inspected and approved by MPD Firearms Instructors, the Department Armorer (as applicable) and the Chief of Police may be carried for on duty use.
- B.** Any firearm deemed defective, unsafe, unreliable or unauthorized shall not be carried or used in any law enforcement capacity. Any firearm taken out of service by a Department Firearms Instructor, the Armorer, and/or the Chief of Police must be inspected prior to returning that firearm to duty use.
- C.** Prior to being issued a department weapon, Officers must be instructed on MPD regulations and policies involving firearms and the Use of Force. Officers must also satisfy the standards of training and qualifications set forth by the VCJC and MPD as applicable.
- D.** Only the Department Armorer is authorized to make any repairs to any Department issued weapon.
- E.** Officers are allowed to carry department issued weapons, or personal weapons approved for on duty use, in either an open or concealed manner when off duty or in plain clothes acting in official capacity as a sworn law enforcement officer.

- F.** Officers carrying a department issued weapon or a personal weapon approved for department use, whether on or off duty, are required to have their department issued credentials and badge readily accessible. Exceptions may be made for officers acting in an official and approved undercover capacity.
- G.** Officers driving in a marked police vehicle must carry an authorized primary duty weapon whether they are dressed in uniform or in plain clothes.
- H.** Firearms must be locked or secured when left in an unattended patrol vehicle.
- I.** Officers are responsible for the safety and security of any department issued duty weapon. Officers shall exercise the utmost care and caution in the handling and cleaning of firearms.
- J.** Department issued firearms are not to be drawn in any public place except for official use.
- K.** Firearms shall not be displayed in any manner that would be unsafe or handled in an undisciplined manner.
- L.** Officers shall not participate in horseplay or other unsafe practices with firearms. Officers should only conduct fast draws, dry fires, or display their firearms in a controlled environment for inspection, training purposes, or during supervised instruction by a Department Firearms Instructor. Firearms must be unloaded for any dry firing or fast drawing practice/training.
- M.** No modifications or adjustments shall be made to any Department issued firearm without prior approval and inspection and approval from the Department Armorer (as applicable) and/or a Department Firearms Instructor. Any such modifications or adjustments require approval from the Chief of Police and must be documented.
- N.** Officers shall not make any adjustments to impede or eliminate safety functions for any Department issued firearm, or any firearm approved for on duty use.
- O.** Internal or external modifications to any Department issued firearm, or any firearm approved for on duty use shall not be made without prior approval and inspection by a Department Firearms instructor, the Department Armorer (as applicable), and the Chief of Police. Personal firearms approved for department use should be conservative in appearance and cannot display images, engravings or artwork (e.g. hand grips, engravings, etc.) that can be deemed as political in nature, offensive, or unprofessional.
- P.** Officers shall immediately notify a supervisor of any discharge of a department issued weapon which causes property damage, injury or death, and any discharge of a firearm while on duty (with the exception of training). The supervisor shall then immediately make notifications through the chain of command. The applicable Officer shall forward a written report through the chain of command to the Chief of Police within twenty-four (24) hours detailing the circumstances surrounding the firearm discharge. When it may be necessary to euthanize animals, officers will notify the on-

duty supervisor and make note of the firearm discharge in their Valcour entry. Unless there are no extenuating circumstance, a formal report of a discharged firearm is not needed.

- Q.** Nothing in this policy is intended to preclude any Department member from using an unapproved firearm or unauthorized ammunition when confronted with an emergency situation.

**R. Duty Firearm and Secondary Firearm**

1. The Department will issue either the Glock 17 or the Glock 19 to officers as the primary duty weapon. Officers may not carry any other firearm as their primary duty weapon. NOTE: Officers carrying the Glock 19 may consider using Glock 17 magazines to optimize compatibility and interoperability between the two weapon systems.
2. While in uniform, Officers will carry the primary duty weapon visibly and unobstructed in an approved duty holster.
3. Detectives and/or Officers working a plain clothes assignment are authorized to carry the Glock 26 or the Glock 48 as their primary duty weapon. Firearms may be concealed while working in an official plain clothes capacity.
4. Officers may carry personal weapons as secondary firearms while on duty at their personal expense. Secondary weapons shall have a barrel length of four inches or less and may be semi-automatic pistols or revolvers of any make and caliber from a reputable manufacturer. Secondary firearms must be approved by a Department Firearms Instructor and the Chief of Police and shall be documented with the Officer's firearms qualification records.
5. Personal firearm pistols approved for duty use may be equipped (at the officer's expense) with aftermarket parts or accessories and parts, but may not be modified beyond the manufacturer's original specifications (e.g. adjustable triggers, reducing the amount of force for trigger pull, etc.) and may not contain images, artwork, or personalized engravings. NOTE: Should there be an on-duty officer involved shooting with a personal firearm approved for on duty use, the firearm will be subject to confiscation by the investigating body and MPD will not be responsible for the return of the firearm.
6. Secondary firearms may be concealed and must be carried in a manner that does not disrupt the use of the primary duty weapon. Secondary firearms cannot be located near any equipped Conducted Electrical Weapon (CEW), or in a manner which may increase the likelihood of the secondary firearm being mistaken as any less-than-lethal option. Secondary firearms must be carried in an approved appropriate holster that will keep the weapon adequately retained or secured when on the Officer's person.
7. The Department will not be responsible for any ammunition or accessory requirements for back-up firearms.

## **S. Rifles, Shotguns and Submachine Guns**

1. To effectively address and maximize officer survival and enhance safety to the public, in instances of armed conflict, or where the potential or threat of an armed encounter with a suspect exists, MPD shall issue or allow officers access to rifles, shotguns and submachine guns as necessary. The use of rifles, shotguns and submachine guns are governed by the Department's Use of Force policy. These firearms shall be deployed in appropriate situations which may include, but are not limited to:
  - a. An armed suspect;
  - b. A suspect wearing, or suspected of wearing body armor;
  - c. The officer reasonably anticipates an armed encounter;
  - d. An active shooter incident;
  - e. Situations with elevated threat levels or the potential for armed conflict;
  - f. Barricade and hostage incidents;
  - g. When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range;
  - h. When a subject has a tactical advantage (e.g. armed higher ground)
2. The Department shall issue a .223/5.56mm rifle (AR-15 or M4 platform) for deployment in each marked vehicle.
3. Officers may elect to use a personally owned .223/5.56mm rifle, shotgun, or submachine gun (9mm only) for official on duty use. Each of these firearms must be equipped with a sling and light attachment at the Officer's expense. .223/5.56mm rifles should have a barrel length of 16", other barrel lengths for this caliber may be approved on a case-by-case basis. Firearms must be capable of meeting the applicable qualification course of fire and/or requirements outlined in department policy, be from a reputable manufacturer, and must be approved by a Department Firearms Instructor and the Chief of Police.
4. Personal rifles, shotguns and submachine guns approved for on duty use may be equipped (at the officer's expense) with aftermarket parts or accessories and parts, but may not be modified beyond the manufacturer's original specifications (e.g. adjustable triggers, reducing the amount of force for trigger pull, etc.). NOTE: Should there be an on-duty officer involved shooting with a personal firearm approved for on duty use, the firearm will be subject to confiscation by the investigating body and MPD will not be responsible for the return of the firearm.
5. Nothing in this policy is intended to preclude the Department from deploying other caliber firearms which may be necessary for emergency or tactical use. Any additional firearms to the Department's inventory must have a legitimate law enforcement purpose, would require that Officers be fully trained and qualified in the firearm before deployment into the field, and must be approved by a Department Firearms Instructor and the Chief of Police.

## **T. Less Than Lethal Firearms**

1. Firearms dedicated for use with less-than-lethal munitions shall be visibly marked in a manner that readily identifies their dedicated purpose. Shotguns dedicated for use with less-than-lethal munitions shall not be loaded with lethal ammunition except in emergency situations.

#### **U. Equipment and Accessories**

1. The Department shall provide a double or triple retention holsters for primary duty weapons.
2. The Department shall provide a holster for the primary weapon for officers working in an official plain clothes capacity.
3. The Department shall provide gun or trigger locks for all issued primary duty weapons.
4. Officers working in an official plain clothes capacity may, at their own expense, wear a shoulder holster system for their primary duty weapon, but must successfully complete the VCJC required course of fire drawing from this position of carry.
5. While on-duty, officers may, at their own expense, elect to wear an ankle holster. Ankle holsters may only be used for back-up weapons and must contain a holster system which prohibits the weapon and/or the holster from coming out or off during a physical activity. Officers must successfully complete the VCJC required course of firing drawing from this position of carry.
6. Department issued rifles and shotguns may be equipped with flashlights, sound suppression systems and red dot optics. Personally owned rifles and shotguns approved for on duty use may also be outfitted with sound suppression systems and red dot optics at the officer's expense (slings and flashlights for these weapon platforms are required).
7. Department issued pistols may be equipped with flashlights and red dot optics. If a member chooses to use a red dot system on their assigned pistol, the system shall be the Trijicon RMR.
8. If a member is not justified in drawing a weapon, weapon-mounted lights shall not be utilized while they are on a weapon. A handheld flashlight or other light carried by the member needs to be utilized at that time.

#### **V. Ammunition**

1. The Department shall provide training and duty ammunition for Department issued firearms, and .223/5.56mm, shotgun and 9mm caliber firearms approved for on duty use. Duty or training ammunition for ammunition for other caliber backup firearms approved for duty use are the responsibility of the officer.

2. All ammunition deployed for duty use, regardless of caliber, shall be jacketed and hollow point.
3. 9mm duty use ammunition may be .147 grain. However, the Hornady 9mm +P Luger 135 grain critical duty ammunition is the preferred duty round. .223/5.56 duty use ammunition shall be 55 grain. Shotgun duty use ammunition shall be 12 gauge buckshot or rifled slug. Shotguns shall not be stacked with alternate ammunition (e.g. buckshot, slug, buck shot, etc.).

## **W. Transportation and Storage of Firearms**

1. Officers will ensure department issued firearms are always safely kept in a manner that limits non-authorized access and use. For Department issued firearms, the Department shall supply locks in the cabin of cruisers, or locked hard-shelled gun cases which can be secured in the trunk or the rear cargo area of a cruiser.
2. Personally owned firearms approved for on duty use must be able to be safely secured in department vehicles either in locks in the cabin of cruisers, or locked hard-shelled gun cases which can be stored in the trunk or the rear cargo area of a cruiser. The department will not be responsible for the purchase of any accessories or locking systems necessary to ensure that a personally owned firearm is appropriately secured in a department vehicle.
3. When being deployed for duty, rifles, shotguns and submachine guns will be locked and secured properly within a department vehicle and kept cruiser ready. Cruiser ready is:

For Rifles and Sub Machine Guns:

- a. Magazine inserted;
- b. Bolt closed with chamber empty;
- c. Selector switch on SAFE;
- d. Installed correctly and securely within the department vehicle.

For Shotguns:

- a. Rounds inserted into internal chamber;
  - b. Bolt closed with chamber empty;
  - c. Selector switch on SAFE;
  - d. Installed correctly and securely within the department vehicle
4. Rifles, shotguns, and submachine guns in department vehicles which have installed locking racks shall be secured in the locking rack. Only in emergency or operational circumstances (e.g. on route to an incident, search warrant, etc.) may firearms approved for duty use be left unsecured in any vehicle, and in such instances, should not be visible to the public.
  5. Rifles, shotguns, and sub machine guns will be removed from patrol vehicles when the vehicle is not in use for an extended amount of time, or not in the direct control of sworn officers (e.g. vehicle maintenance).

## **X. Maintenance and Cleaning**

1. Officers will ensure assigned department issued firearms are kept clean, lubed, and functional. If a department issued firearm is broken, malfunctions, or is damaged, the assigned officer will immediately notify a supervisor and/or the Firearms Instructor, and/or the Armorer that the firearm may be inspected and/or repaired.
2. Firearms Instructors and/or the Armorer (as applicable) are responsible to ensure any weapons approved for on duty use are inspected at least once per year for functionality and adherence to department policies.
3. Officers will ensure any assigned and/or personally owned firearm approved for duty use are well maintained and functional.
4. Should an officer refuse to allow a personally owned weapon approved for duty use to be inspected by a Firearms Instructor, the Armorer, or a supervisor, the Department shall immediately revoke any authorization or permissions for the member to carry the personal firearm for duty use.
5. An inventory of department issued weapons shall be conducted annually.

## **Y. Firearms and the Consumption of Alcohol, Narcotics and Prescription Drugs**

1. Firearms shall not be carried by any officer impaired or under the influence of alcoholic beverages, intoxicants, narcotics, or prescription drugs.
2. Officers shall not consume alcohol, drugs (to include recreational or medicinal marijuana) or consume any medication which may affect their ability to safely and effectively operate a firearm while carrying a firearm. NOTE: Officers should always consult with a qualified medical professional regarding side effects to any drugs or medications they are taking.

## **Z. Firearm Qualifications and Training**

1. Qualification processes shall be in accordance with the minimum standards established by the VCJC and/or MPD policy. Officers shall qualify annually with their Department issued primary duty weapons. If an officer carries a red dot optic on their pistol, they will be required to complete the qualification course twice: once without the red dot optic, and once with the red dot optic. Officers using a red dot optic must be trained in its use by a firearms instructor trained by a qualifying person or agency in the use of red dot optics in areas that include: red dot systems and mounting options, sighting procedures for accuracy (zeroing in), equipment maintenance, marksmanship fundamentals, sight acquisition, holdover and offset, and advantages and limitations of red dot systems.
2. Officers carrying a personally owned firearm approved for on duty use shall be required to qualify annually on a prescribed course of fire consistent with the range, accuracy and capabilities of the weapon. The course of fire must be approved by the Chief of Police.

3. All applicable firearms records shall be maintained by Firearms Instructors and the Training Manager.
4. Failure to meet Department standards in qualification, maintenance, or training for the primary duty weapon and rifle will result in the Officer being immediately assigned to administrative duty, without a firearm until qualification standards are met. Officers are not required to successfully qualify on weapons such as secondary firearms, shotguns and sub machine guns. Officers shall be allowed a total of five attempts to qualify on their primary duty weapon and rifle for a failure course of fire. If the Officer fails to qualify after three attempts, the Officer will be scheduled for refresher marksmanship training, and given two additional attempts to qualify within a period of two weeks. Failure to qualify will result in disciplinary action up to termination.
5. Appendix A shall be the qualification course of fire for sub machine guns. The course must be administered by a certified Firearms Instructor in good standing with the VCJC. Strings of fire must be followed exactly, and no waivers or permission for deviation from the course of fire will be granted. The successful completion of this course for each officer must be recorded annually with the VCJC in accordance with Rule 13 of the VCJC's rules. MPD will utilize the basic targeting guidelines as outlined in the VCJC's annual handgun qualification course.

#### **AA. Restrictions**

1. Courts, correctional facilities, federal buildings and other locations may prohibit the carrying of firearms in their facilities. When a facility employs restrictions upon the carrying of a firearm while on duty and in official capacity, Officers shall properly secure their firearm(s) in an appropriate lock box if supplied by the facility or lock the firearm(s) in a concealed manner inside their vehicle.

**APPENDIX A**  
**COURSE OF FIRE: SUB MACHINE GUN**

Distance	Time Limit	Shooting Position	Total Rounds	Magazine Setup	Description of String	Scoring Ratio
3 Yards	3 seconds for each 2 round set	Standing	6	1 magazine w/ 6 rounds	Ready stance, safety on. On command, fire two rounds into the target. This string is repeated two more times. Shooters must complete the string within the specified time on three consecutive attempts to pass.	6/6
5 Yards	4 seconds for each 2 round set	Standing	6	1 magazine w/ 6 rounds	Read stance, safety on. On command, step laterally to left or right at Instructor's direction and fire two rounds into the target. Move back to center. Upon command, step laterally to the opposite direct of the first set and fire two rounds into the target. Upon the next command, the shooter may step in any direction they choose and fire two rounds into the target. Shooters must complete the string within the specified time on three consecutive attempts to pass.	4/6
5 Yards	6 seconds for each 2 round set	Standing	12	1 magazine w/12 rounds	Ready stance, safety on. On command, fire three rounds into the body of the target, and three rounds into the head of the target. The set is completed one more time.	10/12
7 Yards	6 seconds for each 3 round set	Standing	9	1 magazine w/ 9 rounds	Ready stance, safety on. On command, fire three rounds into target. The string is completed two more times.	7/9
7 Yards	15 seconds for complete set	Any position which maximizes the use of cover utilized	6	1 magazine w/ 6 rounds	Ready stance, safety on. On command, maximize use of cover provided with two rounds into the target, then transition to a different position of the cover provided and fire four rounds into the target.	4/6
7 Yards	7 seconds for a complete set	Standing	6	1 magazine w/ 6 rounds	Ready stance, safety on. On command, fire six rounds into the target as fast as possible.	5/6
10 Yards	7 seconds for each 3 round set	Standing	6	1 magazine w/ 6 rounds	Ready stance, safety on. On command, fire three rounds into the target. This set is completed one more time.	4/6
12 Yards	25 seconds for a complete set	Kneeling behind cover	8	2 magazines w/ 4 rounds each	Ready stance, safety on. On command, take a kneeling position on dominant side of cover and fire four rounds into the target. Shooter reloads behind cover and fires four rounds from the support side of cover.	5/8
15 Yards	25 seconds for a complete set	Standing 5 yards from cover, then run to cover to fire	9	1 magazine w/ 9 rounds	Ready stance, safety on. The shooter stands five yards behind cover. On command, shooter runs forward, stands behind cover provided and fires 6 rounds into the target. Shooter then kneels, maximizes cover and fires three rounds.	7/9
25 Yards	None	Standing/Kneeling	8	1 magazine with 8 rounds	Ready stance, safety on. On command, fire four rounds standing into the target, then kneels and fires four rounds into the target.	6/8
25 Yards	None	Stand/Kneeling	6	1 magazine w/ 6 rounds	Ready stance, safety on. On command, step to right from behind cover and fire two rounds into target. Step to left from behind cover and fire two rounds into target. Shooter then kneels to either side of cover and fires an additional two rounds.	4/6