

**PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE****P-238****BACK-UP AND OFF-DUTY FIREARMS****EFFECTIVE DATE: 05-08-96****REMARKS:****REVISIONS: 10-14-97; 03-08-06; 02-18-08; 02-03-14; 09-18-16; 02-14-17; 07-04-22****I. PURPOSE**

To establish policies and procedures governing authorization to carry and use back-up and off duty weapons.

II. POLICY

When police officers choose to carry back-up weapons they must receive authorization to do so from the Chief of Police. Officers must demonstrate proficiency on said weapons, and the firearm must be examined by a department armorer for proper functioning.

III. PROCEDURE**A. Personal Backup or Off Duty Weapons Optional**

The carrying of personal weapons as back-up or in an Off Duty Status is a voluntary act. The department may be liable for any actions officers may take under color of law whether on or off duty. When carrying personal off-duty weapons, your responsibilities as a law enforcement officer do not cease. Be mindful that you are a police officer 24 hours a day.

B. Issued and Back-Up Firearms Off Duty.

The Portsmouth Police Department authorizes officers to carry an issued duty weapon (Sig Sauer P320) or a back-up weapon as deemed by the Chief of Police, while off duty. An issued duty weapon or department authorized back-up weapon shall be the only weapon sanctioned by the Portsmouth Police Department to carry off duty. It shall be the responsibility of the individual officer, if he/she wishes, to purchase and maintain a personal off duty or back-up weapon other than an issued duty weapon.

C. Responsibility.

Each individual officer must bear the responsibility for deciding those times when it might be considered inadvisable to carry off-duty firearms; participating in sports events, when consuming alcoholic beverages, etc. The responsibilities and restraints that regulate the use of deadly force are the same when you are off-duty, as on-duty.

D. “Law Enforcement Officers’ Safety Act” (LEOSA)

Under 18 USC 926B (for active law enforcement officers) and 18 USC 926C (for retired or separated officers) “qualified law enforcement officers” are exempt from local and state prohibitions on the carrying of concealed firearms. However, in limited instances there are exceptions to this rule. Officers carrying a concealed weapon under the LEOSA should be familiar with its restrictions. See SOP P-239 (Officer’s Right to Carry) for further.

E. Authorization Procedure: Back-Up/Off Duty Personal Weapons.

1. Authorization Required: Officers shall not carry personal weapons on duty without prior written approval by the Chief of Police.
2. Personal Back-Up/Off Duty Weapon Authorization Form.
 - a. Officers who wish to be granted authorization from the Chief of Police will complete a Back-Up / Off Duty Weapon Authorization Form (Addendum 1). It shall be the responsibility of the officer to seek out a Portsmouth Police Department Firearms Armorer and Firearms Instructor. A current list of Firearms Armorers and Instructors may be found in SOP A-119, Duty Assignments.
 - b. The Firearms Armorer shall conduct a Function Test of the weapon as indicated below.
 - c. The Firearms Instructor shall conduct a Proficiency Test of the officer as indicated below.
3. Armorer’s Function Test Procedure
 - a. Function Test: A function test, as detailed on the authorization form, will be performed by a department armorer.
 - b. Modern Firearms Only: Back-up and Off Duty weapons are restricted to modern firearms manufactured by reputable firearm manufacturers.
 - c. Safety Features: The weapon must be equipped with modern safety features.
 - d. Completion of Form: The department armorer will complete the Armorer Function Test Section of the authorization form. The armorer will sign the form in the appropriate location certifying that the firearm is either functioning correctly or that a potential problem exists.
 - (1) Functioning Properly: If the firearm is functioning properly, the Armorer will indicate this by marking the PASS sections on the form.
 - (2) Not Functioning Properly: If the armorer believes or suspects that the weapon might not be functioning properly, or is of such poor design to possibly render the weapon unsafe, the FAIL sections on the form

should be checked, and the form returned to Personnel & Training.

(a) Second Inspection

If the officer disagrees with the determination of the armorer, the officer can take the weapon to a certified armorer who is in the business of firearms for a second inspection. The officer should bring proof of said inspection on the letterhead of said business, and signed by the certified armorer specifying that the firearm is functioning correctly, and is safe to use. This proof will be presented to Personnel & Training.

(3) Final Determination

The final approval for any weapon lies with the Chief of Police.

4. Firearms Instructor Proficiency Test Procedure

- a. Initial Proficiency Test: After receiving a Back-Up/Off Duty Weapon Authorization Form from a department armorer asserting that the firearm is functioning properly, the officer will perform a proficiency test conducted by a certified N.H. Firearm Instructor.

(1) Proficiency Test

The proficiency test is a department sanctioned course designed for a particular type of weapon.

- (2) Completion of Form: Instructors will complete all sections of the proficiency section on the form including signature, and will forward the form to the Personnel & Training Office.

- (3) Only approved ammunition will be used inside of the Firearms Range. All ammunition is subject to an inspection by the Firearms Instructor at any time. The use of armor piercing, incendiary ammunition, wad cutters, and rounds with exposed lead bullets are prohibited. Only new factory ammunition is to be used, NO RELOADS.

- (4) Pass: If the officer passes the proficiency test (80%), Personnel & Training will forward the form to the office of the Chief of Police for authorization.

- (5) Fail: If the officer fails the proficiency test, the officer may reapply no sooner than 30 days from the failure.

- (6) Ammunition Purchase: The department will furnish ammunition for the proficiency test if the caliber of the weapon is 9mm. Officers are responsible for purchasing ammunition of other calibers.

E. Annual Function and Proficiency Test

1. All weapons authorized for either backup or off-duty carry will be inspected annually by a department armorer. It is the officer's responsibility to know when he/she is due for an annual inspection.
 - a. Suspension of Authorization: The authorization to carry a particular weapon either in an off duty capacity or as a backup will be immediately suspended upon an armorer failing the subject weapon during the function test.
 - b. Responsibility for Repair : Personal off duty and backup weapons will be repaired at the expense of the individual officer.
 - c. Return to Service : The officer will notify Personnel & Training to make arrangements for a department armorer to re-inspect the weapon after the repair. The armorer will complete a Back-Up/Off Duty Weapon Authorization Form following the inspection.
 2. Each officer who receives authorization to carry either a backup or off duty weapon will be required to perform an annual proficiency test through Personnel & Training. It is the officer's responsibility to know when he/she is due for the annual test.
 - a. Suspension of Authorization: The authorization to carry a particular weapon either in an off duty capacity or as a backup will immediately be suspended upon an officer failing the proficiency course.
 3. It is the responsibility of the individual officer to re-qualify with his/her off-duty firearm at or before the "Review Date" posted on the "Authorization to Carry Back-Up/Off Duty Weapon" form signed by the Chief of Police.
 4. Officers will submit and follow the same function and proficiency test procedure each year as outlined in Section D of this SOP.
- F. Ammunition Carried in Back-Up or Off Duty Weapons.
Ammunition carried in all authorized backup or off duty firearms will be the same ammunition that was used during the last proficiency test performed by the department.
- G. Secure Holsters
Back-up and Off Duty Weapons will be carried in holsters that provide security for the firearm in the event the officer has to run, becomes involved in a physical altercation, or is subject to a disarming attempt.
- H. Maintenance of Records
Personnel & Training will maintain a record of all authorized personal firearms, including annual function tests, proficiency tests and any maintenance records. The manufacturer, model, caliber, and serial number of the weapon shall be recorded in the officer's training file.

Mark D. Newport, Chief of Police

MDN/dbk

PORTSMOUTH POLICE DEPARTMENT

BACK-UP / OFF DUTY WEAPON AUTHORIZATION FORM

REGISTRATION SECTION

Officer: _____ Date: _____

☐ Semi-Auto ☐ Revolver Manufacturer: _____

Model: _____ Serial#: _____

☐ Blued ☐ Stainless ☐ Nickel ☐ Other Capacity: _____

Caliber: _____

Modern Firearms Only: Back-up and Off Duty weapons are restricted to modern firearms manufactured by reputable firearm manufacturers.

Safety Features: The weapon must be equipped with modern safety features.

I, (signature) _____ am requesting authorization from the office of the Chief of Police to use the above firearm in an (check either or both) ☐ Off Duty ☐ On Duty Back-up for the above described weapon.

*****Notify a PPD Firearms Armorer to perform a Function Test of this weapon*****

ARMORER FUNCTION TEST SECTION

Verify Weapon Info ☐ Correct ☐ Incorrect

PASS FAIL FUNCTION

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Slide Function (if applicable) |
| <input type="checkbox"/> | <input type="checkbox"/> | Magazine Release / Cylinder Release |
| <input type="checkbox"/> | <input type="checkbox"/> | Extractor Function |
| <input type="checkbox"/> | <input type="checkbox"/> | Safety Block and/or External Safety |
| <input type="checkbox"/> | <input type="checkbox"/> | Trigger Function |
| <input type="checkbox"/> | <input type="checkbox"/> | Firing Pin |
| <input type="checkbox"/> | <input type="checkbox"/> | Hammer Pull Test |
| <input type="checkbox"/> | <input type="checkbox"/> | Dry Fire Test |
| <input type="checkbox"/> | <input type="checkbox"/> | Cylinder Rotation and Line Up |
| <input type="checkbox"/> | <input type="checkbox"/> | Visual Observation, stress cracks, grips, pitting |
| <input type="checkbox"/> | <input type="checkbox"/> | Condition of sights |
| <input type="checkbox"/> | <input type="checkbox"/> | Condition of barrel |

Armorer Signature: _____

Armorer Name (Print) _____ Date: _____

Final Determination The final approval for any weapon lies with the Chief of Police.

*****Notify a PPD Firearms Instructor to perform a Proficiency Test with this weapon*****

FIREARM INSTRUCTOR / PROFICIENCY TEST SECTION

Date: _____ Instructor (print): _____

Course Fired: _____

Verify Weapon Info: ☐ Correct ☐ Incorrect

Ammunition Used Brand: _____

Type: ☐ JHP ☐ HP ☐ RN ☐ SWC ☐ SP☐ Other _____

Ammunition: Only approved ammunition will be used inside of the Firearms Range. All ammunition is subject to an inspection by the Firearms Instructor at any time. The use of armor piercing, incendiary ammunition, wad cutters, and rounds with exposed lead bullets are prohibited. Only new factory ammunition is to be used, NO RELOADS.

Ammunition Purchase: The department will furnish ammunition for the proficiency test if the caliber of the weapon is .40. Officers are responsible for purchasing ammunition of other calibers.

Holster Type: _____ **Holster Condition:** _____

I _____ (firearm instructor signature) have conducted a proficiency test on today's date and have found officer _____ ☐ to be proficient ☐ to not be proficient with the above described weapon.

Proficiency: Is determined by an officer scoring a minimum of 80% on a proficiency course designed for the type of weapon which authorization is sought.

Fail: If the officer fails the proficiency test, the officer may reapply no sooner than 30 days from the failure.

*******Submit Form to Personnel & Training *******

PORTSMOUTH POLICE DEPARTMENT

AUTHORIZATION TO CARRY BACK-UP / OFF DUTY WEAPON

Date Effective:_____ Review Date:_____

NOTE: It is the officer's responsibility to re-qualify with his/her back-up / off-duty firearm at or before the Review Date listed above.

Officer _____

You are authorized to carry the below described firearm;

☐ OFF DUTY ☐ ON DUTY/BACK-UP

The carrying of personal weapons as backup or in an Off Duty Status is a voluntary act. When carrying personal off-duty weapons, your responsibilities as a law enforcement officer do not cease. Be mindful that you are a police officer 24 hours a day. An issued duty weapon or department authorized back-up weapon shall be the only weapon sanctioned by the Portsmouth Police Department to carry off duty.

Each individual officer must bear the responsibility for deciding those times when it might be considered inadvisable to carry off-duty firearms; participating in sports events, when consuming alcoholic beverages, etc. The responsibilities and restraints that regulate the use of deadly force are the same when you are off-duty, as on-duty.

It shall be the your responsibility to maintain your personal off duty or back-up weapon.

Ammunition carried in all authorized backup or off duty firearms will be the same ammunition that was used during the last proficiency test performed by the department.

Back-up and Off Duty Weapons will be carried in holsters that provide security for the firearm in the event the officer has to run, becomes involved in a physical altercation, or is subject to a disarming attempt.

☐ Semi-Auto ☐ Revolver Manufacturer:_____

Model:_____ Serial#: _____

☐ Blued ☐ Stainless ☐ Nickel ☐ Other Capacity:_____

Caliber:_____

OIC Operations Support Division

Chief of Police

cc: Personnel & Training, Requesting Officer