

THE RALEIGH POLICE DEPARTMENT

1108-08

FIREARMS

PURPOSE

The purpose of this directive is to establish guidelines for firearms training and qualification and for the carrying of firearms.

VALUES REFLECTED

This directive reflects our values of *Service, Courage, and Integrity*. We place the highest value on the life and safety of our officers and our citizens. We will hold ourselves accountable for the power vested in us to carry and use firearms. We will demonstrate competency and proficiency in all aspects of firearms use.

UNITS AFFECTED

All Divisions/Sworn Officers

REFERENCES/FORMS

G.S. 15A-401(d) "Use of Force by a Law Enforcement Officer"
DOI 1103-02 "Training"
DOI 1105-2 "Internal Affairs Investigations"
DOI 1106-4 "Care of Equipment and Uniforms"
DOI 1106-7 "Off-Duty Employment of Police Officers"
DOI 1108-1 "Use of Force and Weapons"
Attachment A: Declaration to Carry Form
Appendix A: Approved Weapons & Ammunition Manufacturers

May be Released to Public

Effective Date: 07-29-2024
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Approved By: M. Adams-David
City Manager

GENERAL POLICIES

The authority to carry and use firearms is based on the trust placed in our officers to carry out the basic duty to protect life and must be balanced by strict accountability. All of the Department's policies, rules, regulations and procedures regarding the use of firearms are designed to safeguard our officers and citizens and to reduce the probability of criminal and civil liability that could arise from questions of competency, training and standards. To assure their ability to perform and to protect themselves and the public, officers are required to demonstrate reasonable proficiency in all aspects of firearms use. Officers will receive ongoing training in the use of firearms, use of force, firearms safety, and basic marksmanship.

Inappropriate use of firearms may subject the officer to criminal charges, and may leave both the Department and the officer open to civil liability. Violation of firearm regulations will be handled as serious rule infractions. Failure to comply with firearms policies will result in disciplinary action that may include the revocation of any privilege to carry firearms and dismissal.

In carrying out day-to-day duties, officers are expected to be conscious of their firearms at all times, and to carry and use weapons in a manner which is safe and legal. Any firearm and ammunition carried on or off-duty must be of the type and specification approved by the Department in Appendix A.

When carrying weapons into airports or onto air carriers, officers must abide by all regulations issued by the Transportation Safety Administration.

SERVICE WEAPONS

With the exception of non-uniformed administrative personnel assigned to full time duty in a Police Department facility, all officers are required to carry their issued service weapon at all times while on-duty and are required to observe the following:

- All officers, while wearing the police uniform and carrying the service weapon will wear their shield or police identification in obvious view on the outermost garment.
- All officers will carry at least one fully loaded extra magazine. The service weapon will be fully loaded with ammunition issued by the Department and carried according to Department procedure.
- No modifications or alterations in factory specifications are allowed to be made to the police service weapon. Any service weapon that malfunctions will be submitted to the Armorer.
- An officer will not remove the service weapon from the holster while on-duty or in uniform, except for supervised firearms training, equipment inspection, or when otherwise justified.
- Service weapons will be cleaned at Police Training Facilities or while officers are off-duty and away from any police installation.
- Officers are required to exercise reasonable care to prevent unnecessary loss, wear or damage to Departmental weapons.

Officers are restricted from carrying a service weapon under any of the following circumstances:

- The officer is placed on administrative duty, however, nothing would prevent the return of equipment to an officer or employee while on administrative duty with the approval of the Chief or Chief's designee.
- The officer is under suspension, or subject to a specific disciplinary action prohibiting the carrying of the service weapon.
- The officer is assigned to light duty because of an injury or illness which renders the officer unable to perform the essential functions of the job of a police officer, unless granted an exception from the Division Commander.
- The officer has been granted a leave of absence from the Police Department.

Officers subject to an N.C.G.S. 50-B Domestic Violence Protection Order may carry their service weapon only when on-duty with the Police Department or when traveling to and from law enforcement employment.

Discharge or Pointing of Firearms On-duty

A Discharge of Firearms Report is to be completed in Blue Team and forwarded to the Internal Affairs Unit any time a firearm is discharged by an officer, either intentionally or accidentally, except during Department training.

A Use of Force Report is to be completed in Blue Team when a firearm is discharged or pointed at a suspect. A supervisor is also to be notified.

A Field Euthanization of Undomesticated Animal Report (Attachment A to DOI 1108-01 "Use of Force and Weapons") is to be completed in lieu of the Discharge of Firearms Report if the firearm is discharged as a result of euthanizing an undomesticated animal.

Training

Officers will receive annual Departmental training on the proper use, carry and operation of firearms (Refer to DOI 1103-02 "Training").

Repair and Maintenance

Officers are obligated to clean issued firearms, including issued shotguns, and any other firearm carried on and off-duty, after each use and at other times to maintain serviceability. Once a year, officers should schedule a cleaning of the internal parts of their issued service weapon by the Police Armorer. Officers are not to attempt any internal cleaning or adjustments themselves (Refer to DOI 1106-4 "Care of Equipment and Uniforms"). Ammunition for personal and off-duty weapons will be supplied by the officer.

Shotgun Ammunition

On-duty ammunition for shotguns must be approved by the Department. Selective Enforcement Units may use other specialty ammunition for shotguns previously approved by the Chief of Police.

Patrol Rifles

The patrol rifle is intended to be utilized as an additional tool available to authorized officers in situations where the service pistol would not be optimal. Officers should use discretion when deciding to deploy the rifle.

Only trained and qualified sworn personnel may be issued a patrol rifle. Officers shall complete a training course specific to the patrol rifle weapon system and meet the requirements set forth by the Firearms Training Staff (Refer to DOI 1103-02 "Training"). The Chief of Police reserves the right to rescind an officer's authority to carry a rifle on-duty.

Only departmentally issued rifles and ammunition are authorized for carry by officers. No modification may be made nor accessories added to Department rifles without the authorization of the Firearms Training Staff.

Inspections

Supervisors will conduct inspections of ammunition and weapons, including shotguns, rifles and any declared secondary weapons, following firearms re-qualification and at other times to ensure that maintenance and safety regulations are being followed.

Custody of Weapons

Officers will safeguard their weapons to prevent theft or unauthorized use.

When the officer is on-duty, all long weapons (i.e. shotguns and rifles) will be stored in the interior departmentally approved locking gun rack of the assigned patrol vehicle. If no rack is available, long weapons shall be stored in the trunk.

If a vehicle is not equipped with a specialized weapons vault, the following procedures apply when the officer is off-duty:

Fleet vehicles

- Long weapons will be removed from the vehicle and stored in the officer's assigned District Station locker.

Personal police vehicles

- The shotgun will be stored in the approved locking gun rack of the vehicle.
- The rifle must be removed from the rack and stored in the officer's assigned District Station locker.

Weapons are not to be left in vehicles parked at the City garage, radio shop, or other locations where non-police personnel have access to the vehicle. It is the responsibility of the officer(s) assigned to

a vehicle to remove all weapons and secure them in the appropriate designated location prior to placing a vehicle out-of-service for repair or maintenance.

Proper Cruiser Ready Status

Shotguns will be loaded with ammunition in the magazine only.

Rifles shall be transported in the following condition:

- Chamber empty
- Action closed / dust cover closed
- Safety engaged
- Loaded magazine inserted/locked in magazine well

Officers are responsible for inspecting their vehicles at the beginning of each shift to ensure that shotguns and rifles are secured and loaded appropriately.

Purchase of Issued Weapons at Time of Replacement

Officers in good standing with the Department may purchase handguns that have been issued to them. Officers may purchase only those handguns which were worn or carried by them. The City Purchasing Agent will determine the price of the weapon.

The Armorer will notify the Division Commander of those officers whose handguns are to be replaced. The Division Commander will determine if the officer is eligible to purchase the old handgun and will see that the necessary notifications are made.

Officers who are eligible to purchase their old handgun will have 30 days from the date of notification to do so. Guns that are not purchased within the 30 day time limitation cannot be purchased at a later time by the officer. To purchase the handgun, the officer must obtain a permit from the Wake County Sheriff's Office and remit payment for the gun to the City of Raleigh. Upon presentation of the permit and a receipt for payment, the Armorer will release the gun to the officer.

OFF-DUTY LIMITATIONS AND PERSONAL WEAPONS

Carrying Personal Weapons On-Duty and/or Off-Duty

Officers must carry their Departmental issued handgun while on-duty. In addition to their issued handgun, on-duty officers may carry one declared secondary duty weapon. This election will be made at the time of qualification. An officer who intends to carry a personal weapon on-duty and/or off-duty must sign a Declaration to Carry Form, stating the manufacturer, model and serial number of the personal weapon. The form will be kept on file with the officer's F-9A Qualification Form.

Under certain circumstances, officers on a special assignment may be authorized to carry only the declared secondary duty weapon. This exception is intended to allow officers on special assignments to carry their own handguns which may be more easily concealed than the Departmental issued handgun. An officer with responsibility for a special assignment must first receive permission from their Division Commander to carry only a personal handgun on-duty. The Division Commander will

be responsible for verifying that the officer has qualified with the weapon and has a Declaration to Carry Form on file. Officers carrying personal handguns on-duty will comply with the following:

- Personal weapons and ammunition used on-duty are limited to those handguns and ammunition that are listed on Appendix A "Approved Weapons & Ammunition Manufacturers". The holster used must be approved by the certified firearms instructor in charge of firearms training.
- Officers will receive annual Departmental training on carrying personal and concealed weapons.
- The officer must qualify semi-annually with the approved handgun and ammunition. The officer will demonstrate proficiency with the weapon, including operation and nomenclature.
- Officers will not carry any weapons on-duty that they have not qualified with and that are not listed as their declared weapon on the Declaration to Carry Form.
- Officers who fail to qualify with a personal weapon will not be allowed to carry the personal weapon concealed, on or off-duty.

Officers carrying any weapon on-duty, other than their issued weapon, must personally notify their supervisor of their weapon at the beginning of each shift.

Off-Duty Within Raleigh's Territorial Jurisdiction

While off-duty and inside Raleigh's jurisdiction, officers shall carry a handgun except when, in the officer's reasonable judgment, it is impractical to do so.

- The handgun and ammunition carried off-duty must be listed on Appendix A "Approved Weapons & Ammunition Manufacturers". The list will be reviewed annually by the Administrative Division Commander or as directed by the Chief. Appendix A "Approved Weapons & Ammunition Manufacturers" will be amended and approved by the Administrative Division Commander.
- Officers are not to carry handguns while consuming alcohol, while under the influence of alcohol, while impaired due to alcohol or when unfit for duty due to alcohol or drugs at any time.

Off-Duty Within the State But Outside of Raleigh's Territorial Jurisdiction

While off-duty within the State of North Carolina, but outside of the territorial jurisdiction of Raleigh, officers may carry concealed handguns except when, in the officer's reasonable judgment, it is impractical to do so.

The authorization to carry concealed handguns, off-duty, beyond the officer's jurisdiction is a privilege and not a right. The Department has the authority to place restrictions on this privilege as necessary.

Any violation of the restrictions set forth in this procedure, or any of the following regulations, may result in the termination of the privilege to carry a concealed handgun while off-duty and could result in disciplinary action including termination.

- The handgun and ammunition carried off-duty must be listed in Appendix A "Approved Weapons & Ammunition Manufacturers". The weapon and ammunition will be inspected annually by a certified Raleigh Police Department firearms instructor or by the police Armorer.
- Officers are not to carry handguns while consuming alcohol, under the influence of alcohol, impaired due to alcohol or unfit for duty due to alcohol or drugs.
- Off-duty officers who carry concealed handguns within the State of North Carolina but beyond Raleigh's jurisdiction will have no law enforcement authority beyond the Raleigh Police Department's jurisdiction.
- Officers must qualify semi-annually with any personal handgun carried in a concealed manner, whether working in an off-duty capacity or not. Officers are granted this privilege by the Department, and any officer failing to receive training and qualify with personal handguns will lose the privilege to carry concealed weapons.

Other Requirements When Carrying a Weapon Off-Duty

When carrying a handgun off-duty, officers are required to carry their police identification and badge.

When carrying a handgun off-duty, officers will notify on-duty officers who address or approach them, that they are police officers and that they are carrying a concealed handgun as authorized by a Police Department procedure. Officers will make their identification available upon request.

Use of Deadly Force Off-Duty or Outside Raleigh Police Department Jurisdiction

When officers carry handguns within the State of North Carolina but beyond their territorial jurisdiction they are legally restricted to the same standard on the use of deadly force as if they were a private citizen.

Prior to carrying a concealed handgun beyond the officer's territorial jurisdiction, as allowed under this procedure, officers must satisfactorily complete special training provided by the Department on the legal standards for use of deadly force by private citizens.

If an officer discharges a handgun when off-duty, other than for recreational or training purposes, the officer shall immediately notify the Police Department and will be responsible for completing a Discharge of Firearm report.

When officers carry handguns within their territorial jurisdiction, officers are authorized to use deadly force as set forth in DOI 1108-1 "Use of Force and Weapons."

Liability for Use of Force Beyond Territorial Jurisdiction

Officers who choose to carry a concealed handgun beyond their territorial jurisdiction do so at their own risk. The City of Raleigh will not assume liability, pay judgments, or represent officers sued for actions arising out of incidents that occur off-duty and outside of the officer's territorial jurisdiction.

Prohibited Locations for Concealed Carry

Officers who choose to carry a concealed handgun beyond their territorial jurisdiction are prohibited from carrying the handgun into buildings owned or leased by the federal government (18 USC 930).

Prohibitions on Carrying Concealed Handguns Off-Duty

Officers are prohibited from carrying a concealed handgun off-duty either within or beyond the territorial jurisdiction when they are prohibited from carrying a service weapon on-duty or if the officer is subject to a N.C.G.S. 50-B Domestic Violence Protection Order which prohibits an officer from carrying a handgun except when on-duty with the Police Department or traveling to and from law enforcement employment.

DECLARATION TO CARRY

I, (Name & Code #) _____ have received firearms training and have qualified according to Departmental standards with the weapon(s) listed below. I have read and understand DOI 1108-08 "Firearms" regarding the carrying of weapons, both on and off-duty.

(Only one weapon may be designated as the secondary personal duty weapon per officer. Officers are required to declare the designated weapon at the semi-annual qualification).

I intend to use the following weapon as a secondary duty weapon while on-duty:

1. WEAPON: Manufacturer _____
Model Number _____
Serial Number _____

In addition, I have qualified with the following weapons and may use them in an off-duty capacity. I understand I cannot carry these weapons on-duty:

2. WEAPON: Manufacturer _____
Model Number _____
Serial Number _____

3. WEAPON: Manufacturer _____
Model Number _____
Serial Number _____

4. WEAPON: Manufacturer _____
Model Number _____
Serial Number _____

Officer Signature

Certified RPD Firearms Instructor

Certification # _____

Date

Revised 09/2016